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U. S. DEPARTMENT OF AGRICULTURE,

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H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

III. LAWS OF KANSAS, KENTUCKY, LOUISIANA, MAINE,
MARYLAND, AND MASSACHUSETTS.

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., October 16, 1905.

SIR: I have the honor to transmit herewith for your approval a manuscript containing the food laws of Kansas, Kentucky, Louisiana, Maine, Maryland, and Massachusetts, this compilation having been revised to July 1, 1905. I recommend its publication as Bulletin No. 69 (revised), Part III, of the Bureau of Chemistry.

Respectfully,

H. W. WILEY, *Chief.*

HON. JAMES WILSON,
Secretary of Agriculture.

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FOODS AND FOOD CONTROL—III.

Revised to July 1, 1905.

III. Laws of Kansas, Kentucky, Louisiana, Maine, Maryland, and Massachusetts.

KANSAS.

The State board of health is charged with the enforcement of the food laws of the State, which includes the publication in the official county papers of the names of articles found to be impure and injurious to health, as well as the names of the manufacturers thereof. It is the duty of the State university and State agricultural college to examine samples transmitted to them by the State board of health. No adequate enforcement of the law has yet been attempted.

GENERAL FOOD LAWS.

2277. *Diseased and unwholesome provisions.* If any person shall knowingly sell any diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars.

2278. *Adulteration of food or liquor.* If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirit, malt liquor, or other liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars; and the article so adulterated shall be forfeited and destroyed.

General Statutes, 1901, ch. 31, art. 9, p. 481.

2323. *Adulteration of food and drugs.* No person shall within this state manufacture for sale, offer for sale, or sell, any drug or article of food which is adulterated within the meaning of this act.

2324. *Terms "drug" and "food" defined.* The term "drug" as used in this act shall include all medicines for internal use, antiseptics, disinfectants, and cosmetics. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

2325. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act—First, in case of drugs, if, when sold under or by a name

recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, or other standard work of materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; third, if its strength, quality or purity falls below the professed standard under which it is sold. In the case of food: First, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part of it; third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of or is sold under the name of another article; fifth, if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredients not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

2326. Sample for analysis. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for analysis of any such drug or article of food which is in his possession.

2327. Penalty. Whoever refuses to comply upon demand with the requirements of section four (2326), or whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisonment ^a not exceeding one hundred days nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling any adulterated article of food or drug under the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been guilty of manufacturing, selling, or offering for sale.

General Statutes, 1901, ch. 31, art. 11, p. 487.

SEC. 1. Analyses of food products by State university and agricultural college. It shall be and is hereby made the duty of the departments of chemistry of the Kansas State University and State Agricultural College of the state of Kansas to make a thorough and complete analysis of all samples of food products and beverages manufactured or prepared for domestic use sent to said chemistry departments by the State Board of Health, or any county or city board of health of the state of Kansas, and make a report to the State Board of Health, giving a correct analysis of all such samples of food or beverage, together with the name of the article or sample analyzed and of the manufacturer thereof, when the same is known to the state chemist in charge.

SEC. 2. State board of health to compile and print reports. It shall be the duty of the State Board of Health to make a record of the reports received from the said chemistry departments of the said Kansas University and State Agricultural College, and

^a So in Statutes.

and State Board of Health shall have compiled and printed quarterly, and a copy thereof sent to each county and city board of health within the state of Kansas. Said board of health shall examine said reports and analyses therein contained, and in all cases wherein any impure or poisonous substance is contained, detrimental or injurious to the health of those consuming or using the same as food or drink, said board of health shall publish and cause to be made public the name of the article or articles so found to be impure and injurious to health and the name of the manufacturer thereof, where the same can be ascertained, the same to be published in the official county paper, and paid for as other county or city printing.

SEC. 3. *Effect.* This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 9, 1905. Laws of 1905, ch. 482, pp. 789-790.

CANDY.

SEC. 1. *Adulteration prohibited.* No person shall, by himself, his servant, agent, or employee, or as the servant, agent or employee of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.* Whoever knowingly violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in a sum not exceeding one hundred dollars nor less than fifty dollars, or by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment; and as a part of the judgment of the court such candy so adulterated shall be forfeited and destroyed.

SEC. 3. *Prosecution.* It is hereby made the duty of the county attorneys of this State to appear for the State and to attend to the prosecution of all complaints under this act in all the courts in their respective counties.

SEC. 4. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. *Date of effect.* This act shall take effect and be in force from and after its publication in the official State paper.

Approved March 11, 1903. Laws of 1903, ch. 118, p. 174.

DAIRY PRODUCTS.

2317. *Diluted or unclean milk in cheese factories.* Whoever shall knowingly sell, supply or bring to be manufactured to any cheese manufactory in this state any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skim-milk; or whoever shall keep back any part of the milk known as "strippings;" or whoever shall knowingly bring or supply milk to any cheese manufactory that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept clean and sweet, after being notified of such taint or carelessness; or any cheese manufacturer who shall knowingly use, or direct any of his employes to use, for his or their individual benefit, any cream from the milk brought to said cheese or butter manufacturers, without the consent of all the owners thereof, shall for each and every offense forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars, with costs, to be recovered in a criminal action.

2318. *Adulterated milk in butter or cheese factories.* Whoever shall knowingly sell to any person or persons, or sell, deliver or bring to be manufactured to any cheese or butter manufactory in this state any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly

known as skimmed milk, or shall keep back any part of milk known as strippings, with intent to defraud, or shall knowingly sell milk the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall upon conviction thereof be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, and liable in double the amount of damages to the person or persons, firm, association or corporation upon whom such fraud shall be committed.

General Statutes, 1901, ch. 31, art. 11, p. 487.

VINEGAR.

2319. *Adulteration of cider vinegar.* Every person who manufactures for sale or exposes for sale as cider vinegar, any vinegar not the product of pure apple juice known as apple cider, or vinegar not made exclusively of apple cider, or vinegar into which any deleterious substances, drugs or acids have been introduced, shall for each offense be punished by a fine of not less than fifty nor more than one hundred dollars.

2320. *Injurious ingredients.* Every person who manufactures for sale, sells or offers for sale any vinegar which contains any preparation of lead, copper, sulphuric acid, or other ingredient injurious to health, shall for each such offense be punished by fine of not less than fifty nor more than one hundred dollars.

2321. *Vinegar used for preserving vegetables, etc.* The provisions of sections one and two (2319 and 2320) shall apply to all preparations of vegetables, fruits and other products, in which vinegar is one of the principal ingredients.

2322. *Branding of cider vinegar.* Every person making or manufacturing cider vinegar shall brand on one head of the cask, barrel, or keg containing such cider vinegar the name and residence of the manufacturer, and the words cider vinegar; and any person or manufacturer who brands any cask, barrel, keg, or other vessel with the name of cider vinegar which contains any liquid other than pure cider vinegar, shall upon conviction be fined not less than fifty nor more than one hundred dollars for each barrel, cask, keg, or other vessel so branded.

General Statutes, 1901, ch. 31, art. 11, p. 487.

KENTUCKY.

The food laws of Kentucky are administered by the State experiment station. In response to a letter of inquiry, Prof. M. A. Scovell, the director of the station, made the following statement:

The provisions of the food law of Kentucky are general, and specific provisions would facilitate its enforcement, but under the general provisions the courts have found good law to cover all of the adulterations and misbranding discovered so far. This law prohibits the sale of all adulterations injurious to health and seeks to correct other forms of adulteration by means of a plain label showing "the exact character thereof." By means of the lever of publicity which this enforced honest labeling affords, the operation of the present State food law is raising the standard of the food supply of Kentucky.

Our investigations show daily the urgent need for a Federal statute to punish the manufacturers and wholesalers of Illinois, Indiana, Ohio, Tennessee, West Virginia, and other States who impose adulterations upon our local dealers and who are beyond the jurisdiction of our State courts. And the same States, to a greater or less degree, need the same protection against the adulterations sent out from Kentucky.

GENERAL FOOD LAWS.

1905A. 1. *Adulterated or misbranded foods; penalty.* It shall be unlawful for any person, persons or corporation within this State to manufacture for sale, or expose for sale, or have in his or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act; and any person, persons or corporation, who shall manufacture for sale, expose for sale, or have in his or their possession for sale, or sell any article of food which is adulterated or misbranded in violation of this act, shall be fined not to exceed one hundred dollars, or be imprisoned for not more than fifty days, or both such fine and imprisonment.

2. *Terms "food" and "misbranded" defined.* The term food, as used in this act, shall include every article used for, or entering into the composition of food or drink of man or domestic animals, except spirituous, vinous or malt liquors.

The term misbranded, as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

3. *Adulteration defined.* For the purpose of this act, an article shall be deemed adulterated.

First: If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any inferior substance or substances be substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be an imitation, or sold under the name of another article, provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Fifth: If it is colored, coated, polished or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth: If it contains poisonous ingredients which may render such article injurious to the health of the party consuming it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh: If it consists in whole or in part of a diseased, filthy or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter.

Eighth: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product, when not so, or is an imitation either in package or label of another substance of a previously established name.

Provided, That any articles of food which are adulterated or misbranded within the meaning of this act, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled "adulterated," or labeled, branded or tagged so as to show the exact character thereof.

Provided, further, That nothing in this act shall be so construed as requiring or compelling proprietors or manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except so far as the provisions of this act require to secure freedom from adulteration or imitation, but in the case of baking powder every can or other package shall be labeled so as to show clearly what acid salt has been used in making the same.

Provided, further, That no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment Station, signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased said article, and provided he establishes that such guarantor or guarantors reside in the State of Kentucky. But said guaranty to afford protection shall contain the full name and address of the party or parties making the sale of such article to such dealer.

4. *Duties of director of experiment station; analyses; sampling; standards.* The director of the Kentucky Agricultural Experiment Station shall make or cause to be made examinations of samples of food manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make or cause to be made analyses of all food products which the State Board of Health may suspect of being injurious to health, and of any sample of food furnished by any Commonwealth's, county or city attorney of this Commonwealth. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein it is suspected any adulterated article of food exists, and such agent or agents, upon tendering the market prices of such articles, may take from any person, firm or corporation, samples of any articles suspected of being adulterated or misbranded. The director of said station is hereby empowered to adopt and fix standards of purity, quality or strength, when such standards are not specified or fixed by statute.

5. *Prosecutions.* Whenever any sample shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or city attorney of any city or town in which the said adulterated or misbranded food product was found; together with a statement of the results of the examination of the said article of food duly authenticated by the analyst under oath

and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law.

6. Annual food report by station. Said station shall make an annual report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed one hundred and fifty pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

7. Station bulletin on analyses. The said experiment station may issue at least once a year a bulletin giving the results of all analyses of samples taken under this act, together with the names of the parties from whom the samples were taken; as far as possible, the names of the manufacturers; the number of samples found to be adulterated; the number not found adulterated; and the number of adulterated samples that have been reported by the station to the different Commonwealth's attorneys, county and city attorneys of the State. The edition of this bulletin shall not be less than ten thousand copies, to be distributed free to citizens of the State who may desire the same, and to other interested persons so long as the edition may last.

8. (1) Cost of analysis, prosecution, etc. Said experiment station shall receive (\$7.50) seven dollars and fifty cents for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring samples, expert witnesses attending the grand juries and courts, clerk hire and attorneys' fees:

Provided, The total expenses from all sources shall not exceed in any one year ten thousand five hundred dollars (\$10,500). The director of said experiment station shall furnish to the Auditor of Public Accounts an itemized statement of all the expenditures of money made under this act.

(2) Appropriation for expenditures. The amount of expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of said experiment station, upon the written request of the Board of Control of said experiment station, and the Auditor, for the payment of the same, is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the Commonwealth.—*As amended March 21, 1904. Laws 1904, ch. 63, p. 143.*

9. Disposition of funds. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

10. Contract in violation of law. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

11. Repeal. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 17, 1900. Acts 1900, ch. 13, pp. 43-49; Statutes 1903, ch. 53 A, pp. 769-772.

1272. Unwholesome meat, bread, etc.; penalty. If a butcher or other person shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell the flesh as of one animal knowing it to be that of another species; or if a baker, brewer, distiller, or other person knowingly sell unwholesome bread or drink, he shall be fined not less than one nor more than fifty dollars.

1273. Adulterated food or drugs; penalty. If any person adulterate, for the purpose of sale, anything intended for food or drink, or any drug or medicine, with any substance injurious to health, he shall be confined in jail not more than one year, or fined not exceeding five hundred dollars, or both; and the adulterated articles, by order of the court, shall be destroyed.

Statutes 1903, ch. 36, p. 571.

2186. *Establishment of inspection warehouse.* An inspection warehouse outside of a city may be established by the county court of the county wherein it is located, upon the application of any person entitled as owner or lessee; but the same shall not be established unless the warehouse be built of such material and in such manner as to prevent injury to articles stored therein.

2187. *Scales.* Scales, steelyards, or patent balance, with suitable weights sufficient to weigh at least one ton, shall be provided as appurtenant to the warehouse.

2188. *Appointment of inspectors.* If the warehouse be within a city, the same may be established as an inspection warehouse, and inspectors appointed by the city council, otherwise by the county court. They shall be three in number, and remain in office until removed by the court for misconduct, negligence or incompetency. They shall take an oath faithfully to discharge their duty, and enter into covenant with the Commonwealth, with good surety, to be approved by the court, conditioned for the faithful discharge of all duty as inspectors, upon which suit may be brought by any person aggrieved.

2189. *Products to be inspected on request.* When required by the owner or lessee of the warehouse, the inspectors, or some two of them, shall attend at the warehouse, and upon request of the owner of the commodity, and not otherwise, shall inspect any tobacco, flour, salted beef or pork, lard, spirituous liquors, imported salt, or hydro-carbon oils, or oils made from coal, petroleum, or well oil, for illuminating purposes, or such of them as by their appointment they are authorized to inspect; and to this end it shall be lawful for the court to appoint inspectors for the different articles above named, and to designate in the order of appointment those articles of which the person is to be inspector.

2190. *Inspection of illuminating oil compulsory.* Except the article of oil for illuminating purposes, no penalty shall be incurred for the sale or exportation thereof without inspection.

2191. *Inspectors' mark.* Upon all articles inspected, except tobacco and salt, there shall be noted by the inspectors the quality and grade, or that it is condemned.

2192. *Fees of inspectors.* The fees of inspectors shall be as follows: For every hog-head of tobacco, thirty-seven and one-half cents; for each barrel of flour, three cents; half barrel, two cents; for each barrel of salt, three cents; for a sack of salt, two cents; for inspecting and packing each barrel of beef or pork, twenty cents; for each half barrel, twelve cents; and for each keg or firkin of lard, two cents; for a single barrel or cask of liquor, twelve and a half cents; for more than one and less than five, seven cents each; and for five or more, five cents each; for inspecting a single cask or package of oil the inspector shall be allowed fifteen cents; for more than one and less than five, ten cents, and for five or more, five cents each.

2193. *Inspector must not deal in products he inspects; penalty.* If any inspector shall deal in or purchase, otherwise than for his own use, any article of which he is appointed inspector, or be directly or indirectly interested in the purchase of any such article when condemned, he shall be fined five dollars for every barrel, cask, keg, firkin or package so bought or dealt in by him.

2194. *Liability of inspector.* An inspector shall be liable to the party aggrieved for the incapacity, neglect, fraud, or misconduct of himself or deputy as inspector; and furthermore for every willful neglect or breach of duty, and every act of partiality or fraud as inspector, he or his deputy shall be fined fifty dollars, removed from office, and disqualified from again holding such office.

2195. *Imitation or erasure of brands.* If any person shall willfully use or imitate the brand or mark of another on the barrel or cask of any such article, or shall pack or put such article in a barrel, cask, box, keg or firkin previously branded with the name or mark of another, or shall alter, erase, or obliterate the brand or mark made by an inspector on an inspected hogshhead, barrel, cask, keg or firkin, or shall shift or change the contents of the same after inspection, or shall mark or brand with the

mark or brand of an inspector, or with any imitation thereof, any article subject to inspection which has not been inspected, and shall sell or offer to sell the same, he shall, for every such offense of false marking, using, packing, changing or shifting, be fined twenty dollars; and for every such fraudulent erasure, alteration or counterfeiting of the brand or mark of an inspector, shall incur the penalties prescribed against forgery.

2196. *Sale of packages underweight; penalty.* Whoever shall sell or offer to sell any barrel or other package of such article, knowing the article not to be of the weight or quantity, after allowing for ordinary waste or loss of weight, that is required by law, or that is marked or branded thereon, shall be fined ten dollars for every barrel or package so sold or offered for sale.

2197. *Acceptance of more than legal fee; penalty.* Every tobacco or other inspector who shall exact, demand or receive any more than the legal fee or other compensation for inspecting, shall, for every hogshead, barrel or package upon which he exacts, demands or receives such higher fee or other compensation, be fined five dollars, removed from office, and disqualified from being again an inspector.

2198. *Penalty for deceiving as to weight or quantity.* Whoever shall knowingly sell, or attempt to sell, any hogshead, barrel or other package of tobacco, liquor, salt, beef, pork or lard, which is falsely packed or filled, or the staves or heading of which are falsely made, with a view to cheat a purchaser as to weight or quantity, or shall so pack, fill or prepare a hogshead, barrel or other package, with such intent, shall be fined ten dollars for every such hogshead, barrel or other package.

2199. *Prosecution.* It shall be the duty of every inspector to have an offender prosecuted for any of the penalties incurred under this chapter and his willful neglect so to prosecute shall be deemed a breach of official duty.

2201. *No repeal of other inspection laws.* No provision of this chapter shall be construed to contravene or repeal any law on the subject of inspection applicable to any city in this Commonwealth.

Statutes 1903, ch. 71, pp. 873-876.

ALCOHOLIC LIQUORS.

2200. *Injurious adulteration; penalty.* If a person knowingly sells or buys, or prepares for sale, any wine or liquor containing any adulteration, by mixing therewith *coccus indicus*, tobacco, soap, vitriol, logwood, or any other injurious drug or chemical preparation, he shall be fined not more than five hundred dollars for each offense, or not less than twenty, for every gallon of wine or liquor so adulterated.

1. *Branding and analysis.* When an inspector finds any wine or liquor so adulterated he shall mark the cask "condemned for impurity;" when he suspects it to be so adulterated, he shall cause it to be analyzed by a skillful chemist, at the cost of the owner, and ascertain whether it contains anything impure or other than the extract of the grain or fruit from which it was or ought to have been made.

2. *Rectification.* In all prosecutions against wholesale dealers under this section, the fact of rectifying the wine or liquor shall be deemed *prima facie* evidence of knowledge of any adulteration on the part of the dealer.

Statutes, 1903, ch. 71, pp. 875-876.

BUTTER AND LARD.

1283. No person shall sell, supply, or offer for sale or exchange, any oleaginous substance, or any compound of the same, as butter, other than that produced from unadulterated milk, or cream of the same, or any substance as lard, other than that produced from the fat of healthy, sound hogs, unless the same, and the packages, casks or vessels containing the same, shall be marked so as to plainly show to the

purchaser and establish the true character thereof, and distinguish it from the genuine butter or lard. And any person violating any of the provisions of this section shall be fined not less than twenty nor more than one thousand dollars.

Statutes, 1903, ch. 36, p. 575.

CANDY.

1275. Any person who shall manufacture or knowingly vend any candies or sweetmeats containing poisonous or noxious ingredient shall, for each offense be fined not less than fifty nor more than one hundred dollars.

Statutes, 1903, ch. 36, p. 571.

CANNED GOODS.

1283a. 1. *Grade brand.* That it shall hereafter be unlawful in this State for any packer or dealer in preserved or canned fruits and vegetables, or other articles of food, to offer such canned articles for sale after July one, one thousand eight hundred and ninety-six, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that packs the same or dealer who sells the same.

2. *Labeling of soaked goods, syrups, etc.* That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by an adhesive label, having on its face the word "soaked," in letters not less in size than two-line pica of solid and legible type; and all cans, jugs or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm or corporation who made or prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.

3. *False branding; penalty.* Any person, firm or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and punished with a fine of not less than fifty dollars, in the case of the vendors, and in the case of manufacturers and those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars nor more than one thousand dollars, and it shall be the duty of any board of health in this State, cognizant of any violation of this act, to prosecute any persons, firm or corporation which it has reason to believe has violated any of the provisions of this act.

Statutes, 1903, ch. 36, p. 575.

HONEY.

1281. Any person who shall sell or cause to be sold any manufactured honey, unless such honey is so represented and designated as manufactured honey, shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and for each repeated offense shall be fined not less than fifty nor more than two hundred and fifty dollars. Any person who shall sell, or cause to be sold, any such manufactured honey which contains any substance injurious to health, shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and for each repeated offense shall be fined not less than fifty nor more than two hundred and fifty dollars; and such adulterated articles, by order of the court shall be destroyed.

Statutes, 1903, ch. 36, p. 574.

MILK.

1274. Whoever shall knowingly sell, or cause to be sold, to any person in this State, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or sell milk commonly known as "skimmed milk," with intent to defraud, or shall knowingly sell any milk, the product of a diseased animal, or from animals fed upon "still slop," "brewer's slop," or "brewer's grains," or shall knowingly use any poisonous or deleterious material or milk from animals diseased or fed as aforesaid, in the manufacture of butter or cheese, shall be find in any sum not less than twenty-five nor more than two hundred dollars.

Statutes, 1903, ch. 36, p. 571.

VINEGAR.

1282. All barrels, kegs or packages in which vinegar is placed and offered for sale in this Commonwealth shall be so labeled, branded or marked as to describe the process of manufacture of the contents, and shall, on the said label, brand or mark on the outside of said barrel, keg or package, state from what material the vinegar in said barrel, keg or package is made; whether from fruit by natural fermentation, or from malt, grain or acid. Any person selling or offering for sale, in this Commonwealth, any vinegar not so marked and described, or if the vinegar sold, or offered for sale, does not correspond, and is not as represented by the label, mark or brand on the barrel, keg or package, shall be fined not less than twenty-five nor more than one hundred dollars.

Statutes, 1903, ch. 36, pp. 574-575.

RULES OF KENTUCKY EXPERIMENT STATION.

ADULTERATIONS.—The law provides (Sec. 3) that articles of food which are adulterated, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if plainly labeled "Adulterated" or labeled, branded or tagged so as to show the exact character thereof. The words "mixture," "compound" or other similar expressions cannot be substituted for the word "adulterated" when the components are not given.

ANTISEPTICS.—Salicylic acid, benzoic acid, boracic acid, hydrofluoric acid, sulphurous acid and their compounds, the salicylates, benzoates, borates, fluorides and sulphites; also formaldehyde or formalin and various mixtures known in the trade as "freezine," "iceine," "preservalines" of various kinds, etc., are antiseptics, and it is unlawful to sell articles of food containing them unless plainly labeled "adulterated" or the presence of the antiseptic and its kind is clearly shown on the label or made known to all purchasers, where the article is not capable of being labeled.

BAKING POWDERS.—The law requires that every can or other package of baking powder shall be labeled so as to show clearly what acid salt has been used in making the same. Baking powders, in which exsiccated alum or sulphate of alumina is used, should be labeled "alum baking powder," those in which phosphate and alum are used should be labeled "alum phosphate baking powder;" those in which phosphate alone is used should be labeled "phosphate baking powder," and those in which cream of tartar is used "cream of tartar baking powder." If the label already makes known in a conspicuous manner what acid salt has been used, the form is not essential. If the label does not give the name of the acid salt, a printed slip stating what acid salt has been used must be pasted on the label. But in any case the words "alum," "alum phosphate," "phosphate" or "cream of tartar" must be printed in letters not smaller than brevier heavy GOTHIC CAPS and on white or light background so that the words can be easily seen.

BUTTER.—Butter should contain at least 80 per cent of pure milk fats. Butter made by the use of "black pepsin" or other substance in order to incorporate large quantities of water and casein is adulterated.

Where other fats or oils are substituted, in part or whole, for milk fat in butter, such article can not be sold as "butter," or "creamery butter," or "dairy butter," or any combination of words embracing the word "butter," but must be classed as "oleomargarine" or "butterine," and so plainly labeled.

Process butter or unmarketable butter that has been melted and made over is classed as adulterated butter.

CANDY.—The use of harmful coloring matters or other ingredients, and the admixture of terra alba, kaolin, or other mineral substances to give weight and volume to the mass are adulterations.

CHEESE.—Cheese not made wholly from milk or cream, salt, and harmless coloring matter is considered adulterated, and must be sold as "filled cheese," or the name and amount of the adulterant must be made part of the label. Cheese made from milk from which part of the cream or fat has been taken must be so labeled as to indicate the amount of cream or fat taken from the milk of which it was made. Cheese containing less than 10 per cent of fat must be labeled "Skim milk cheese."

CIDER.—Cider is the unfermented juice of the apple. Any substitute for apple juice or any antiseptic added constitutes an adulteration, and such adulterated cider should not be offered for sale, unless the name of the adulterant is made part of the label.

COFFEE.—Any article offered as coffee which contains any substitute for the coffee bean in any proportion is adulterated, and should not be offered for sale unless the quantity and kind of such substitute are given as part of the label.

CREAM.—Cream shall be produced wholly from pure milk and free from added coloring matter, preservatives, or other additions of any kind. It must contain not less than 15 per cent of milk fat.

FLOUR.—Flour is the fine and bolted meal of the wheat grain. When mixed with any material not derived from the wheat grain, it is adulterated, and can not lawfully be sold unless plainly marked "Adulterated" or the kind and amount of the admixture are made a part of the label.

Buckwheat flour or rye flour must be derived wholly from the grains designated in the name, and any admixture of other flours or materials constitutes an adulteration, and such mixtures can not be lawfully sold unless plainly marked "Adulterated," or the kind and amount of the admixture are made part of the label.

FRUIT JELLIES, FRUIT BUTTERS, PRESERVES, CANNED FRUITS, FRUIT CONSERVES, CONFECTIONS, FRUIT JUICES AND SYRUPS, ETC., must consist of the fruit specified in the label, preserved only with cane sugar (sucrose) and must not contain artificial flavors, coloring matters, or antiseptics. If such articles contain any substitute for the fruit, or any inferior material to make up bulk or weight, any glucose or other substitute for sugar, any artificial flavor or color, any starch or animal gelatine, any salicylic acid or other antiseptic, or any substance not naturally occurring in such fruits, except spices or other wholesome natural flavoring materials, they are adulterated, and can not be lawfully sold unless plainly labeled "Adulterated," or the presence of all such substances is clearly indicated by the label.

Fruit preserves, jams, marmalades and butters should not contain less than 80 per cent of total solids, 1 per cent of acid calculated as malic, and 0.6 per cent of ash; jellies should not contain less than 65 per cent total solids, 1 per cent of acid calculated as malic, and 0.3 per cent of ash.

GUARANTY OF PURITY.—Attention is called to the provision of section 3, subsection 8, "that no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment Station, signed by the wholesaler, jobber, manu-

facturer, or other party from whom he purchased said article, and provided that he establishes that such guarantor or guarantors reside in the State of Kentucky. But such guaranty, to afford protection, shall contain the full name and address of the party or parties making the sale of such article to such dealer."

HONEY.—Honey is the nectar of flowers and other saccharine exudations of plants gathered by bees. Honey made by feeding bees glucose, sugar, invert sugar, or other saccharine substance is not pure honey. Adding sugar, invert sugar, or glucose to honey or substituting these materials for honey constitutes an adulteration, and such adulterated honey can not lawfully be sold unless it is plainly marked "Adulterated," or the quantity and name of the adulterant is made part of the label.

LABELING.—In labeling articles to comply with the law, each separate package must be labeled. For example, it will not answer to attach to a case of catsup a label stating that it is preserved with benzoate of soda, but each bottle must bear such label.

LARD.—Lard is the fat of swine, the fat being melted and separated from the flesh. Adding beef fat or stearine, cotton-seed oil, or other substitute for swine fat, constitutes an adulteration, and such adulterated lard can not lawfully be sold unless it is plainly marked "Adulterated," or the quantity and name of the adulterant are made part of the label. Lard must contain not less than 99 per cent of fat.

MILK.—Milk must contain at least 12 per cent of total solids, and 3 per cent of fat. Milk containing less than these proportions will be considered adulterated, unless labeled or offered as "Skim milk," or milk below standard. The addition of antiseptics or preservatives or coloring matter is an adulteration.

MILK FAT is the fat contained in pure milk or derived therefrom, and has a Reichert-Meissl number not less than 24, and a specific gravity not below .905 at 40° C.

MINCE MEAT containing glucose or any inferior material added for the purpose of increasing weight or bulk, or any antiseptic, is adulterated, and should not be offered for sale unless plainly marked "Adulterated," or its component parts given.

MOLASSES AND SYRUPS.—All molasses and syrups are assumed to be made from the juice of cane, or other sugar-producing plant, or the sap of the maple tree, and any syrup or molasses containing starch-sugar, glucose, or corn syrup is considered adulterated, and should not be offered for sale unless the label indicates the presence of the same.

OLEOMARGARINE.—Oleomargarine, butterine, or kindred compounds, or mixtures of these with butter, can not lawfully be sold if colored in imitation of butter. The law does not prohibit the sale of oleomargarine, as such, if not colored to look like butter.

OLIVE OIL is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or whole, constitutes an adulteration, and such adulterated oil can not lawfully be offered for sale unless plainly labeled "Adulterated," or amount or kind of the adulterant is clearly shown on the label.

SPICES, MUSTARD, PEPPER, &C., must not contain any foreign substances or coloring matter introduced to dilute or cheapen the article, and any such admixture constitutes an adulteration and can not lawfully be sold unless plainly labeled "Adulterated," or the kind and amount of admixture are indicated on the label.

TEA.—Tea consists of the dried leaves of the true tea plant, without addition of artificial coloring matter, or filler, or extraction of any essential properties, and any article offered as tea which does not conform to this definition is adulterated and can not lawfully be offered for sale unless plainly labeled "Adulterated," or its true composition is given as part of the label.

VINEGAR.—Standard vinegar is a vinegar made from the juice of the apple and contains not less than 1½ per cent of apple solids and 4 per cent of acetic acid. All vinegars labeled "Apple," "Cider," or "Orchard" vinegars are assumed under the

law to be standard vinegars. Vinegars not made of the juice of the apple must be labeled truly of what they are made, as "Malt vinegar," "Distilled vinegar," or "Wine vinegar." Otherwise they are to be considered adulterated. If artificial coloring matter is used, this must be stated on each and every label. Vinegars to which other acids than acetic acid have been added are adulterated.

Vinegars containing less than 4 per cent of acetic acid may be sold, provided the percentage of acetic acid is made part of the label.

M. A. SCOVELL,

Director Kentucky Agricultural Experiment Station, Lexington, Ky.

JULY 19, 1900.

LOUISIANA.

The State board of health has charge of the food laws in a general way, and is authorized to make such analyses as it deems necessary.

GENERAL FOOD LAWS.

SEC. 1. *Adulterated foods.* It shall be unlawful for any person or persons to adulterate, to sell or offer for sale in the State of Louisiana, any article of food and sustenance knowing the same to be adulterated.

SEC. 2. *Tainted or stale provisions.* It shall be unlawful for any person or persons to sell or offer for sale any tainted provisions or stale vegetables, or other articles of food, the same being in a condition of decomposition, or unfit for food.

SEC. 3. *Slaughter of unhealthy animals.* It shall be unlawful for any person or persons to slaughter for food and offer for sale any cattle, hogs or sheep, the same being in an unhealthy condition.

SEC. 4. *Transportation of diseased cattle.* It shall be unlawful for any person or persons, railways, steamships, steamboats, water or other craft to discharge at any of the depots, wharves or landings within the city of New Orleans, or any city within the State of Louisiana, or less than two (2) miles distant therefrom, any cattle, swine or sheep forwarded through them or shipped on their own account, when the same is known to be in a diseased condition.

SEC. 5. *Penalty.* Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and for the first offense shall be punished by a fine of twenty-five dollars (\$25) or three months' imprisonment, and for a second or subsequent offense, shall be punished with a fine of fifty (\$50) dollars or not less than six (6) months' imprisonment, or both, at the discretion of the court.

SEC. 6. *Enforcement.* The Secretary of State, immediately upon the passage of this act, shall notify all sheriffs, chiefs of police, and other executive officers throughout the State to take cognizance thereof, and enforce its provisions.

SEC. 7. *Repeal of previous legislation.* All laws or parts of laws in conflict with this act be and the same are hereby repealed.

Act 20 of Laws of 1880, p. 23; Constitution and Revised Laws, 1904, vol. 2, pp. 1468-1469.

SEC. 1. *Penalty for adulterating food or drugs.* No person shall, within this State, manufacture, have, offer for sale or sell any article of food or drugs which is adulterated, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars for the first offense, and not exceeding one hundred dollars for each subsequent offense.

SEC. 2. *Adulteration defined.* An article shall be deemed adulterated within the meaning of this act, in the case of drugs if when sold under a name recognized in the United States Pharmacopœia its strength or purity fall below the professed standard under which it is sold.

And in the case of food or drink, if any substance has been mixed with it, so as to lower or injuriously affect its quality or strength, or if any inferior or cheaper substance or substances have been substituted wholly or in part for the pure article, or

to mix any substance in food or drink so sold, or to sell the same so mixed, which by its use will affect in any extent the public health or injure the health of the consumer of said food or drink.

SEC. 3. *Labels.* No person shall manufacture, sell or offer for sale within this State, any drugs, groceries, such as sugar, coffee, tea, butter, cheese or any other article to be consumed as food or drink, unless the package when sold at wholesale or the packages from which it is taken when sold at retail be stamped in plain large letters, showing the true quality and kind of the articles sold within the meaning of this act, and every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction pay a fine of not less than twenty-five dollars nor more than fifty dollars, or be sentenced to imprisonment for not more than ten days or both at the discretion of the court.

SEC. 4. *False labels.* Any person who knowingly sells any article of food or drink with a stamp as provided aforesaid, and the article so sold is not the article it purports to be, or inferior quality, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine not exceeding one hundred dollars.

SEC. 5. *Duties of board of health; analyses.* The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries relative thereto, and at any time, when in their judgment necessary, they shall chemically analyze any drug or drugs, article of food and drink, and shall publish the results of their analysis together with the name of the article or articles analyzed, in case the same be deleterious to the public health, and to warn the public against its consumption.

On application of any citizen, they shall also analyze the article or articles presented for analysis by him; but in this case he shall pay such fees, for said analysis, as the Board of Health may fix.

SEC. 6. *Furnishing of samples.* On application of the Board of Health through the officer, to be selected by them, every person manufacturing or selling any article of food or drugs, shall be bound to furnish a sample of the said articles so manufactured, or sold to the said Board, sufficient in quantity to serve the purpose of analysis, under a penalty of not more than twenty dollars, to be recovered before any court of competent jurisdiction.

Act 82 of Laws of 1882, p. 103; Constitution and Revised Laws, 1904, vol. 2, pp. 1469-1470.

ART. 297. *All adulteration to be prohibited by legislation.* The General Assembly shall provide for * * * protecting the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all adulterations of the general necessities of life of whatever kinds and character.

Constitution and Revised Laws, 1904, vol. 2, pp. 2003-2004.

1869. *Flour and meat inspector for Jefferson Parish.* It shall be the duty of the Governor to appoint a suitable person to be Flour, Beef, and Pork Inspector in and for the parish of Jefferson.

1870. *Fees.* Said inspector shall be entitled to the same fees as are now allowed to the inspectors of flour,^a beef and pork in and for the city of New Orleans.

1871. *Powers.* He shall have and exercise the same rights, privileges and powers as are conferred by the several laws of this State upon the inspectors of flour,^a beef and pork for the city of New Orleans.

1872. *Flour inspector for town of Washington.* The Governor, with the advice and consent of the Senate, shall appoint an Inspector of Flour, who shall also fulfill the

^a New Orleans flour law repealed by Act 23, 1892, p. 33.

duties of Inspector of Weights and Measures, for the town of Washington, whose duties, compensation and penalties shall be the same as are now prescribed and are allowed by the existing laws regulating the same in the city of New Orleans.

1873. *Inspection on demand of purchaser or seller.* It shall be lawful for any owner, agent, consignee, or receiver of produce, to sell or ship the same, with or without inspection; *provided, however,* That the said owner, agent, consignee, or receiver, shall be bound to have any produce offered for sale inspected, when inspection shall be demanded by the purchaser. Said inspection, when required, shall be made by the inspector commissioned under the authority of the State.

Constitution and Revised Laws, 1904, vol. 1, p. 838.

BUTTER.

SEC. 1. *Bogus butter prohibited.* The sale of all substances, such as oleomargarine, butterine, bogus butter or other material, either separately or in combination with any substance other than the product of the cow, as butter, is hereby prohibited.

SEC. 2. *Penalty.* Any merchant, grocer or other person doing business in this State, who shall barter, sell, handle or give away any of the substances mentioned in the first section of this act, except when so labeled as unmistakably to indicate their true composition, shall be guilty of a violation of the first section of this act, and on conviction of the same before any court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court.

SEC. 3. All laws or parts of laws in conflict with this act are hereby repealed.

Act 81 of Laws of 1886, p. 121; Constitution and Revised Laws, 1904, vol. 2, p. 1471.

CANDY.

SEC. 1. *Addition of injurious ingredients.* No person, shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, baryter^a talc or other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.* Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars (\$100) nor less than fifty dollars (\$50). The candy so adulterated shall be forfeited and destroyed under direction of the court.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Act 68 of Acts of 1898, p. 92; Constitution and Revised Laws, 1904, vol. 2, p. 1472.

FLOUR.

See General Food Laws, secs. 1869-1873.

MEAT.^b

1848. *Inspectors of beef and pork for New Orleans.* The Governor is required to appoint, by and with the advice and consent of the Senate, three Repackers and Inspectors of Beef and Pork for the city of New Orleans.

1849. *Storage.* The inspectors and repackers shall provide themselves with good and sufficient stores or yards, capable of receiving and storing such beef and pork as may be brought to them for inspection, in such places as shall be most convenient to employers, and best calculated to facilitate their business; but nothing shall be

^a So in Statutes.

^b See also §§ 1869-1873, General Food Laws.

allowed for storage for any beef or pork inspected by them, if taken away within three days after notice given to the owner, or his agent, of its being inspected and repacked; Provided, That no beef or pork shall be inspected or repacked in any part of the city and suburbs between Garrison and Girod streets.

1850. *Size and construction of barrels.* All barrels shall be made of good seasoned oak or ash, free from every defect; and every barrel shall contain two hundred pounds of beef or pork, the barrel not to measure more than eighteen inches across the head, and twenty-eight long, to be hooped with at least twelve good substantial hoops; the barrel to be branded on the bilge with at least the initials of the cooper's name and weight which is contained in each barrel, and also to be branded with the first letters of the Christian name and the surname at full length of the inspector.

1851. *Three qualities of pork defined.* The inspectors and repackers shall carefully inspect all Beef and pork, and shall brand only such as shall be well fattened; the best quality shall be denominated "Mess Pork," and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads, "Mess Pork."

The second quality shall be denominated "Prime," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint; the barrels shall not contain more than twenty-four pounds of head, which shall have the ears and snout cut off at the opening of the jaws, and the brains and the bloody grizzle taken out, and the rest of the pork, to constitute a barrel of prime pork, shall be made up of sides, necks and tail pieces; and on the head of every barrel of such pork shall be branded, "Prime Pork."

The third quality of pork shall be denominated "Cargo Pork," of which there shall not be in a barrel more than thirty pounds of head and four shoulders, and it shall otherwise be merchantable pork, and shall be branded on one head of each barrel, "Cargo Pork."

1852. *Three qualities of beef defined.* All beef to be repacked for exportation shall be of fat cattle, and shall be cut into pieces, as square as may be, and shall not exceed twelve nor be less than four pounds weight; and all beef which shall be fat and merchantable, shall be sorted and divided into three different classes, to be denominated as Mess, Prime and Cargo.

Mess shall consist of the choicest pieces of large, well fattened beef, without hocks, shanks, clods or necks; each barrel to contain two hundred pounds of beef, and to be branded on the head, "Mess Beef." Prime beef shall consist of the choicest pieces of fat cattle, with not more than one-half neck nor more than two flanks, with the hocks cut off the hind legs, in the smallest place above the joint, in a barrel, and branded, "Prime Beef," on one head.

Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one-half of necks, three flanks, with the hocks cut off in the same manner as in "prime, in a barrel, and to be otherwise merchantable, and to be branded, "Cargo Beef." The repacker shall not put less than two pecks of coarse salt, and six ounces of salt petre in each barrel, and shall fill it with pickle as strong as salt can make it.

1853. *Liability of inspector.* If any inspector shall be guilty of neglect or fraud, or shall in any way violate the duties imposed on him by law, he shall be liable to a fine of fifty dollars, to be recovered before any court of competent authority, one-half to the benefit of the informer; and, moreover, shall be liable for damages to any person aggrieved.

1854. *Alteration of brands, etc.; penalty.* If any person shall intermix, take out, or shift any beef or pork, packed and branded, as herein provided, or put in any other beef or pork, for sale or exportation, or alter, change or deface any brand or mark of any inspector, said person shall, for every offense pay a fine of forty dollars, one-half for the use of the informer; and, moreover, shall be liable for damages to any person aggrieved.

1855. *Inspector must not deal in beef or pork.* No inspector and repacker of beef and pork shall buy or sell more than shall be necessary for his own consumption.

1856. *Removal of inspected goods.* No beef or pork that shall have been inspected and repacked shall be taken from the stores and yards of the inspectors unless all the expenses be previously paid, and no owner or seller of beef and pork shall suffer the same, after inspection, to remain more than twelve hours exposed to the sun, or to bad weather.

1857. *Expense of inspection.* The inspectors and repackers shall be entitled to demand and receive for every barrel of pork or beef they shall inspect, repack and salt, thirty-three cents and one-third, besides the price of the salt, salt petre and other extra services.

1858. *Disposition of fines.* All the proceeds of property forfeited and penalties incurred on the subject of the inspection of beef and pork shall be, one-half for the benefit of the asylum for orphan boys in the city of New Orleans, and the other half for the person prosecuting in the name of the State.

Constitution and Revised Laws, 1904, vol. 1, pp. 835-838.

RICE.

SEC. 1. *Cleaning rice with oil, etc.* It shall be unlawful for any person to use oil, parafine^a or any other similar substance in the process of cleaning rice or in preparing it for market, for the purpose of increasing its weight, transparency, or brilliancy, or for in any manner bettering its appearance.

SEC. 2. *Penalty.* Any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction thereof before any court of competent jurisdiction shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days, at the discretion of the court for each offense.

Act 184 of Acts of 1898, p. 430; Constitution and Revised Laws, 1904, vol 2, p. 1473.

SUGAR AND MOLASSES.

SEC. 1. *Adulteration with glucose, etc.; branding; penalty.* Whoever shall knowingly sell or offer for sale, ship or place upon the market for sale, either by sample, hogshead, barrel, package or otherwise, any sugar or molasses, adulterated with glucose or any foreign substance, without branding or stamping it as such in clear, legible letters, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by imprisonment not exceeding six months, and by a fine of not less than two hundred dollars nor more than one thousand dollars for each offense, recoverable before any court of competent jurisdiction; one-half of the fine for the benefit of the informer and the other half for the benefit of the Charity Hospital of New Orleans.

SEC. 2. *Plantation brands.* Whoever shall employ plantation brands to sell adulterated sugar or molasses, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished as provided for in section 1 of this act.

Act 49 of Laws of 1886, p. 83; Constitution and Revised Laws 1904, vol. 2, p. 1471.

^a So in Statutes.

MAINE.

The food laws of Maine are administered by the agricultural experiment station. The legislation is new in this State, and has not as yet been tested in the court. Dr. Charles D. Woods, the director of the experiment station, in reply to a letter of inquiry, stated that in its initial year the station is meeting with the hearty cooperation of both the reliable dealers in the State and the manufacturers outside of the State.

The standards for purity of food products adopted for Maine are the same as those proclaimed by the Secretary of Agriculture of the United States as given under the Federal laws in Bulletin No. 69 Revised, Part I, page 10, with the exception that the sections on fruit juices have been omitted and the standard for milk is fixed by statute. Standards for other dairy products will be fixed by the director of the station, on request from the commissioner of agriculture. The inspection of milk and other dairy products and their imitations is intrusted by chapter 39 of the Laws of 1905 to the commissioner of agriculture.

GENERAL FOOD LAWS.

SEC. 4. *Unwholesome food.* Whoever sells diseased, corrupted or unwholesome provision for food or drink, knowing it to be such, or fraudulently adulterates for the purpose of sale, any substance intended for food, or any wine, spirits or other liquors intended for drink, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and whoever kills or causes to be killed for the purpose of sale, any calf less than four weeks old, or knowingly sells, or has in his possession with intent to sell for food, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction, not exceeding thirty days, or by fine not exceeding fifty dollars; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any board of health or health officer, or any sheriff, deputy sheriff, constable or police officer.

SEC. 5. *Complaints.* When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases, that meat of calves killed when less than four weeks old, is kept or concealed with intent to sell the same for purposes of food, such magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

Revised Statutes, 1903, ch. 129, pp. 949, 950.

SEC. 2. *Diseased animal products.* The owner or other person having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, who, knowing that the animal is thus affected, shall hold the

animal, or its meat or milk, for human food, shall be punished by a fine of not less than five nor more than fifty dollars.

Public Laws 1895, ch. 144, sec. 1, p. 160; Revised Statutes 1903, ch. 129, p. 949.

SEC. 1. *Analysis of agricultural seeds.* The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of agricultural seeds sold or offered for sale under the provisions of chapter thirty-nine of the revised statutes. He shall take in person or by deputy, a sample, not exceeding four ounces in weight, for said analysis, from any lot or package of agricultural seeds which may be in the possession of any grower, importer, agent or dealer in the State.

SEC. 2. *Appropriation for analysis of food and seeds.* There shall be appropriated annually from the State treasury the sum of one thousand dollars in favor of the Maine Agricultural Experiment Station, and the same may be expended in the analysis of food and agricultural seeds. So much of said appropriation shall be paid by the treasurer of state to the treasurer of said experiment station as the director of said station may show by his bills has been expended in performing the duties required by the acts regulating the sale and analysis of food and the sale of agricultural seeds. Such payment shall be made quarterly upon the order of the governor and council, who shall draw a warrant for that purpose.

SEC. 3. This act shall take effect when approved.

Approved March 15, 1905. Public Laws, 1905, ch. 66, pp. 67-68.

SEC. 1. *Adulterated or misbranded food unlawful.* It shall be unlawful for any person, persons or corporations within this state to manufacture for sale, to sell, or offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act.

SEC. 2. *"Food" defined.* The term food, as used in this act, shall include every article used for food or drink by man, horses or cattle.

SEC. 3. *"Adulterated" and "misbranded" defined.* For the purpose of this act an article of food shall be considered as adulterated or misbranded:

First. If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any inferior substance or substances be substituted wholly or in part for this article.

Third. If any necessary or valuable constituent of the article be wholly or in part abstracted.

Fourth. If it be an imitation of, or sold under the name of another article.

Fifth. If it be colored, coated, polished or powdered whereby damage is concealed, or if it be made to appear better or of greater value than it is.

Sixth. If it contains poisonous ingredients, or if it contains any antiseptic or preservative not evident or not known to the purchaser.

Seventh. If it consists wholly or in part of a diseased, filthy, decomposed or putrid animal or vegetable substance.

Eighth. If the package or label shall have any statement purporting to name any ingredient or substance as not being contained in the article, which statement shall be untrue in any particular.

Ninth. If the package or label shall bear any statement purporting to name the substance or substances of which the article is made, which statement shall not fully give the names of all substances contained therein.

Tenth. If it be labeled or branded so as to deceive or mislead the purchaser in any particular.

Provided, that any article of food which is adulterated within the meaning of this act, but which does not contain any poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled, branded or tagged so as to show the exact character thereof: *Provided further*, that nothing in this act shall be construed as requiring proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except that in the case of baking powders each can or package shall be plainly labeled so as to show the acid salt or salts contained therein.

SEC. 4. *Sampling and analyzing by experiment station.* The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of articles of food on sale in Maine, suspected of being adulterated, and at such times and to such extent as said director may determine. And said director, in person or by deputy, shall have free access at all reasonable hours to any place wherein articles of food are offered for sale, and upon tendering the market price of any such article may take from any person, persons or corporations samples for analysis.

SEC. 5. *Publication of analyses; standards.* The result of all analyses of articles of food made by said director shall be furnished by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, and the names of the manufacturers thereof. The said director may also adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by law and shall publish them, together with such other information concerning articles of food as may be of public benefit.

SEC. 6. *Penalty.* Whoever adulterates or misbrands any article of food as defined in this act, or whoever sells, offers or exposes for sale any adulterated or misbranded article of food, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense.

SEC. 7. *Prosecution.* Whenever said director becomes cognizant of the violation of any of the provisions of this act, he shall report such violation to the commissioner of agriculture, and said commissioner shall prosecute the party or parties thus reported.

SEC. 8. *Sale in violation of act.* No action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

SEC. 9. *Repeal.* Sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter one hundred and twenty-nine of the revised statutes and all acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 10. *Effect.* This act shall take effect when approved.

Approved March 15, 1905. Public Laws, 1905, ch. 68, pp. 68-70.

11. *Municipal control of meat and fish.* Cities may establish localities for, and regulate the sale of fresh meat and fish therein, and fix penalties for breach thereof.

Revised Statutes, 1903, ch. 4, p. 86.

ALCOHOLIC BEVERAGES.

SEC. 33. *Adulteration or buying from unauthorized source.* If a municipal officer buys any intoxicating liquors, to be sold according to law, of any other person than the commissioner, or knowingly obtains them from any other source than the commissioner's stock at his place of business, or if any duly authorized town or city agent, or any person in his employment, or by his direction, sells or offers for sale, any such liquors as have been decreed to be forfeited, or found to be impure as aforesaid, or causes any intoxicating or malt liquors which he or they keep for sale to be adulterated, by mixing the same with any coloring matter, drug or ingredient, or mixes the same with other liquors of different kind or quality, or with water, or sells or exposes for sale such liquors as are adulterated, he shall be punished as provided in section forty-two. Such prosecution shall be by indictment.

SEC. 34. *Branding; forfeiture and seizure.* No such liquors owned by any city or town, or kept by any agent thereof, as provided by law, are protected against seizure and forfeiture, under the provisions hereof, by reason of such ownership, unless all casks and vessels in which they are contained are at all times conspicuously marked with the name of such municipality, and of its agent. When such liquors are seized, bearing such marks as are herein required, if such liquors are in fact not owned by any such municipality, such false and fraudulent marking is presumptive evidence that the same are kept or deposited for unlawful sale, and renders them liable to forfeiture under this chapter. The liquors kept for sale by such agents shall not be adulterated or factitious; and they shall not be protected from seizure and forfeiture by reason of being kept for sale by such agents, if they have knowledge that the same are adulterated or factitious.

SEC. 36. *Manufacture and sale prohibited; penalty.* Whoever manufactures for sale any intoxicating liquor, except cider, and whoever sells any intoxicating liquor manufactured by him in this state, except cider, shall be imprisoned two months and fined one thousand dollars.

SEC. 37. *Cider exempt.* This chapter does not apply to the sale of unadulterated cider, unless the same is sold to be used as a beverage or for tippling purposes.

SEC. 42. *Common selling of intoxicating liquors prohibited; penalty.* No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be fined one hundred dollars and imprisoned thirty days, or instead of such fine he may be imprisoned sixty days additional. On a second and every subsequent conviction, he shall be fined two hundred dollars and imprisoned four months, and in default of payment of fine and costs, he shall be punished, by four months additional imprisonment.

Revised Statutes, 1903, ch. 29, pp. 330-331.

CANDY.

SEC. 23. *Adulteration.* Whoever by himself, his servant, or as agent of any other person or corporation, manufactures for sale, or knowingly sells or offers for sale any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health, offers for sale any candy under the name of brandy, whiskey, rum or wine drops, shall be punished by a fine of not less than fifty, nor more than one hundred dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court. County attorneys shall prosecute all complaints under this section in all the courts in their respective counties.

General Laws, 1895, ch. 71, p. 69; Revised Statutes, 1903, ch. 129, pp. 952-953.

DAIRY PRODUCTS.

SEC. 6^a. *Imitation butter and cheese prohibited.* No person shall manufacture, sell, expose for sale or have in his possession with intent to sell, or take orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said article, substance or compound be named oleo-margarine, butterine, or otherwise named.—*As amended March 7, 1905; Public Laws, 1905, ch. 38, p. 32.*

SEC. 7. *Analysis of suspected products.* Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for violations of the preceding section whenever he has reasonable cause for suspicion, and on the information of any person

^a For penalty see sec. 5, p. 226.

who shall lay before him satisfactory evidence of the same. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed, or otherwise satisfactorily tested. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

SEC. 8. "*Butter*" and "*cheese*" defined. For the purposes of this chapter, the terms "*butter*" and "*cheese*" mean the products usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.—*As amended March 7, 1905; Public Laws, 1905, ch. 38, pp. 32-33.*

Revised Statutes, 1903, ch. 129, p. 950.

SEC. 9. *Appointment of milk inspectors.* The municipal officers of cities and towns containing not less than three thousand inhabitants and the municipal officers of all other towns, on application of ten voters therein, shall appoint annually one or more persons to be inspectors of milk, who, before entering upon their duties, shall give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein; and they may receive such fees as said officers establish.

SEC. 10. *Records; taking of samples; prosecution.* Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated, they shall take specimens thereof, cause them to be analyzed or otherwise satisfactorily tested, and preserve the result as evidence. Said inspectors shall leave with the owner of the milk inspected a sealed specimen of the milk examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors; and they shall prosecute for all violations of the two following sections.

SEC. 11. *Marking of measures, etc.* All measures, cans or other vessels, used in the sale of milk, shall be sealed annually by the sealer of weights and measures, by wine measure, and shall be marked by the sealer with figures indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, forfeits twenty dollars for each offense.

SEC. 12. *Pipettes, measuring glasses, etc., tested for accuracy and marked.* All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, condensed milk factory or elsewhere in this State, in determining by the Babcock test or any other test, the value of milk or cream received from different persons at such creameries or factories, shall be tested before such use, for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipettes or measuring glasses shall bear in marks or characters ineffaceable the evidence that such test has been made by the authority named in the following section. No inaccurate bottles, pipettes or other glasses shall bear such marks or characters.

SEC. 13. *Tests to be made by director of experiment station or his appointee.* The director of the Maine Agricultural Experiment Station, or some competent person designated by him, shall test the accuracy of all bottles, pipettes or other measuring glasses used by persons, firms or corporations in the State buying or pooling milk or cream, or apportioning butter or cheese, made from the same, by the contents of butter fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipettes or other measuring glasses as are found correct, with marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive

for such service no more than the actual cost incurred, which shall be paid by the persons or corporations for whom it is done.

SEC. 14. *Manipulators of Babcock test must have certificates.* Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream for a basis of apportioning the value of such milk or cream, or of the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the University of Maine that he is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall not exceed one dollar, and shall be paid by the applicant.

SEC. 15. *Standard sulphuric acid; penalty.* Whoever uses, or has in his possession with intent to use, at any creamery, butter factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test or any other test for determining the butter fat contents of milk or cream, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and for a second offense not exceeding fifty dollars. Any person, firm or corporation, violating the provisions of section twelve, shall be punished by a fine not exceeding fifty dollars for the first offense, and for a second offense not exceeding one hundred dollars; and any person violating section fourteen shall be punished by a fine not exceeding ten dollars. Every inspector of milk, sheriff, deputy sheriff and constable shall institute complaint against any person violating said provisions, and one-half of the fines shall go to the complainant and the balance to the state.

Revised Statutes, 1903, ch. 39, pp. 385-386.

SEC. 3. *Milk from diseased cows; penalty; standards for fat and solids.* Whoever sells or offers for sale, milk or cream from cows known to be diseased, or from cows sick, or fed upon any substance deleterious to its quality, or kept in a filthy or unsanitary condition, or milk to which water or any foreign substance has been added, or sells or offers for sale as pure milk, any milk from which the cream has been taken, or milk in or from cans or other utensils that are not kept in a clean or sanitary condition, shall for a first offense be punished by a fine not exceeding fifty dollars, and for a second offense by a fine not exceeding one hundred dollars. When milk shall, by analysis, be found to contain over eighty-eight per cent of water or less than nine per cent of solids exclusive of fat, it shall be deemed prima facie evidence that said milk has been watered, and when milk, by analysis, shall be found to contain less than twelve per cent of solids and less than three per cent of fat, it shall be deemed prima facie milk from which cream has been taken, and any milk which, by analysis, shall be found to contain any foreign substance, shall be deemed milk to which a foreign substance has been added.

As amended March 7, 1905. Public Laws, 1905, ch. 40, p. 34; Revised Statutes, 1903, ch. 129, p. 949.

SEC. 2. *Oleomargarine in hotels, etc.* No person shall furnish oleo-margarine in any hotel, restaurant or boarding house, or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter.

SEC. 3. *Imitation butter or cheese.* No person shall sell or offer for sale to any person who asks, sends or inquires for butter or cheese, any substance or compound made in imitation of butter or cheese.

SEC. 4. *Renovated butter must be labeled.* No person shall sell, offer or expose for sale any renovated butter, unless the words "renovated butter" shall be conspicuously and plainly stamped, labeled or marked, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter."

SEC. 5. *Penalty.* Any person who violates any provision of the four^a preceding sections shall be punished for the first offense by a fine not exceeding one hundred dollars and for the second offense by a fine not exceeding two hundred dollars.

Approved March 7, 1905. Public Laws, 1905, ch. 38, pp. 32-33.

SEC. 1. *Babcock test.* On and after July first, in the year nineteen hundred and five, all milk or cream purchases by any person, firm or corporation, for use in or to be resold by any creamery in this State, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butter fat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butter fat per pound as thus ascertained. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid, but upon petition in writing, signed by twenty-five per cent or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, one or more tests shall be made by, or under the direction of said commissioner, and the finding of said commissioner shall be conclusive upon all parties therein concerned. *Provided, however,* that when the total number of patrons of any one creamery exceeds one hundred then the number of petitioners herein required by patrons need not exceed thirty. All samples of cream treated by said test shall be weighed and the standard unit for testing shall be eighteen grams.

SEC. 2. *Penalty.* Any person, firm or corporation, or the servant or agent of any person, firm or corporation, who shall violate the provisions of the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days for every such violation.

Approved March 15, 1905. Public Laws, 1905, ch. 76, pp. 77-78.

SEC. 9. The commissioner of agriculture shall inquire into the methods of making butter and cheese in creameries or cheese factories, together with the methods of taking, preserving and testing samples of milk and cream in the same, investigate all dairy products and the production thereof, and shall disseminate such information as will tend to produce a better quality thereof. He shall act for the state in the enforcement of the laws relating to the production, sale or manufacture of milk, oleo-margarine or renovated butter; and for the above purposes he may employ chemists, agents and counsel, as may be necessary for the proper enforcement of such laws; and for such expenses there shall be appropriated a sum not exceeding five hundred dollars, to be allowed upon the approval of the governor and council upon the presentation of proper itemized vouchers.

As amended March 7, 1905. Public Laws, 1905, ch. 39, p. 33; Revised Statutes, ch. 60, p. 569.

^a For fourth section included in penalty see sec. 6, p. 223.

SEC. 2. He and his agents and assistants shall have access to all places of business, factories, buildings, carriages and cars used in the manufacture, transportation or sale of dairy products or imitations thereof, and to all vessels and cans used in the manufacture and sale of dairy products and their imitations. Whoever hinders, obstructs, or in any way interferes with the commissioner of agriculture, his agents, a milk inspector or other authorized officer in the performance of his duty shall be punished by a fine of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

SEC. 3. This act shall take effect when approved.

Approved March 7, 1905. Public Laws 1905, ch. 39, pp. 33-34.

EGGS.

SEC. 9. Whoever, by himself or his agent, sells or offers for sale eggs that have been in cold storage or limed, or that have been preserved in any manner and are not what are usually denominated fresh eggs, without notice to the purchaser or purchasers, knowingly and with intent to deceive, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

Public Laws, 1895, ch. 99, p. 108; Revised Statutes, 1903, ch. 129, p. 950.

FISH.^a

SEC. 1. *Fish commissioner; duties.* The governor, with the advice and consent of the council, shall appoint a commissioner who shall have general supervision of the sea and shore fisheries and shell fish regulated by this chapter and shall hold his office for three years and until his successor is appointed and qualified. He shall exercise supervision over all the fisheries and their products taken from tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen shell or other fish. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of men employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries, excepting the sardine fishery, concerning which no statement or estimate of the number of cases packed shall be made.—*As amended February 22, 1905, Public Laws 1905, ch. 16, p. 13.*

SEC. 2. *Fish wardens; duties.* The governor with the advice and consent of the council upon the recommendation of the commissioner of sea and shore fisheries, may appoint suitable persons as fish wardens, who shall hold office for the term of three years unless sooner removed, and shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond with two good and sufficient sureties in the penal sum of two thousand dollars, approved by the commissioner of sea and shore fisheries, to the treasurer of State, conditioned for the faithful performance of the duties of their office. The commissioner of sea and shore fisheries may appoint deputy wardens, for whose official misconduct and neglect he shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioner may revoke such appointment at any time.

^aSee also General Food Laws, sec. 11, p. 222.

SEC. 3. *Seizure of fish; warrants.* The fish wardens shall enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but they shall not exercise jurisdiction in any other county unless so instructed in writing by the commissioner of sea and shore fisheries. The commissioner of sea and shore fisheries and fish wardens may, with a lawful warrant therefor, enter upon any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, and seize and carry away all fish and lobsters liable to seizure found therein, and may, with a lawful warrant therefor, search and seize any car or pound used for the keeping of fish or lobsters, and seize and carry away all fish or lobsters liable to seizure found therein, the fish or lobster in each case to be disposed of according to law. Any magistrate may issue warrants to search, within his jurisdiction, any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, to the commissioner of sea and shore fisheries, or any fish warden appointed and qualified as provided in this chapter. Such warrants shall issue subject to the requirements of section thirteen of chapter one hundred and thirty-three.

SEC. 4. *Wardens' monthly report.* Each warden shall make a detailed monthly report to the commissioner of sea and shore fisheries of all that has come to his knowledge relating to the fisheries within his county, or in any county where he has rendered services, from the first day of one month to the first day of the following month, in such manner and on such blanks as the commissioner may prescribe and furnish, and shall do such other acts as the commissioner may require for the purpose of gaining information and for the proper enforcement of the law.

SEC. 5. *Inspectors of pickled fish.* In each town where pickled fish are cured or packed for exportation, the governor, with the advice and consent of the council, shall, from time to time, as occasion requires, appoint one or more persons skilled in the quality of the same, to be inspectors of fish, who shall hold their office for five years, unless sooner removed by the governor and council.

SEC. 6. *Bond for inspector.* Every such inspector, before entering upon his duties, shall give bond with sufficient sureties to the treasurer of the town for which he is appointed, to the satisfaction of the municipal officers thereof, in the penal sum of not less than five hundred, nor more than five thousand dollars, for the faithful performance of his official duties; and such officers shall, at least once a year, examine the bonds given by said inspectors, and if that of any inspector is not in their opinion sufficient they shall forthwith notify him, and if for thirty days thereafter he neglects to give satisfactory bond, they shall give information thereof to the governor who shall remove him from office.

SEC. 7. *Inspector's annual report.* Every inspector shall, by the thirtieth day of November, annually, make a return into the office of the commissioner of sea and shore fisheries of all fish by him inspected during the year preceding the thirtieth day of such November, designating the quantities, kinds and qualities of pickled fish, and said commissioner shall embody the substance thereof in his next official report.

SEC. 8. *Action against inspector.* Any person injured by the neglect or misdoings of an inspector, on tendering to such treasurer a reasonable indemnity against the costs may bring an action on such inspector's bond in the name of the treasurer, for his own use, and may have a copy of the bond therefor; and if judgment is rendered thereon for the plaintiff, execution shall issue for the sum found due to the person for whose use such action is brought, and the sum awarded in damages shall be entered by the clerk of the court on the original bond, to remain in the custody of the treasurer.

SEC. 9. *Requirements for packing.* Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in barrels, half barrels, quarter barrels and tenths of barrels or kits; each barrel containing two hun-

dred pounds, and so on in that proportion; and the same shall be packed in good, clean coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear, strong pickle, and shall be branded by the inspector with the name and quality of the fish therein.

SEC. 10. *Mackerel brands.* Mackerel of the best quality, not mutilated, measuring, when split, not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from taint, rust or damage, shall be branded "Number one;" the next best quality, being not less than eleven inches, measuring as aforesaid, free from taint, rust or damage, shall be branded "Number two;" those that remain after the above selection, free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded "Number three large;" those of the next inferior, free from taint or damage, not less than ten inches, measured as aforesaid, shall be branded "Number three:" all other mackerel, free from taint or damage, shall be branded "Number three small." The inspector shall brand or stencil in plain letters on the head of every such cask, the weight, the initials of his christian name, the whole of his surname, the name of his town, and the letters "Me.," and an abridgement in figures, of the year when packed.

SEC. 11. *Quality and size of casks, etc.* All barrels and casks used for packing pickled fish, shall be made of sound, well seasoned white oak, white ash, spruce, pine, chestnut or poplar staves with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, free from sap, and the barrels hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves shall be twenty-eight inches in length, and the heads not less than sixteen and one-half inches between the chimes, and made in workmanlike manner, to hold pickle. The barrels shall contain from twenty-eight to thirty gallons each, and the aliquot parts of a barrel in the same proportion.

SEC. 12. *Requirements for packing small pickled fish.* Every inspector who inspects pickled alewives or herring, or other small fish, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand or stencil all such casks with the name of the inspected fish as aforesaid.

SEC. 13. *Fees for inspection and branding.* The fees for inspection and branding, exclusive of cooperage, are for each barrel seven cents, and all such fees shall in the first instance be paid by the original owners of the fish, who may recover the amount thereof from the party buying or receiving the same, under the marks and brand aforesaid, and in addition to the price thereof.

SEC. 14. *Sale and export of unbranded damaged fish; fine.* Whoever sells in the state, or exports therefrom any fish in barrels or boxes, not inspected, packed and branded, as aforesaid, except good and wholesome fish packed in kegs of less than ten gallons, or pickled, dry or smoked fish imported into the state from some other state or country lawfully inspected and branded there, and whoever sells or exports unlawfully any fish known by him to be tainted or damaged, unless sold as such, forfeits ten dollars for every hundred weight thus sold or exported.

SEC. 15. *Receipt of unbranded fish for transportation; penalty.* Whoever ships or receives on board any vessel or other carriage for transportation from the state, any pickled fish in barrels, parts of barrels or casks, not inspected and branded or stenciled as aforesaid, forfeits not less than fifty dollars for each offense, and any trial justice may issue his warrant to the proper officer, directing him to seize and secure such prohibited fish, and convey it to any inspector within a convenient distance for inspection; and whoever refuses to give necessary aid in the service of such warrant when required by the officer, forfeits five dollars to the prosecutor in an action of

debt; and such inspector shall open, inspect, pack and brand such fish according to law, and detain the same until all lawful charges of seizure and inspection are paid.

SEC. 16. *Unlawful use of brands; penalty.* If any person takes from a cask or barrel, any pickled fish lawfully inspected and branded, and substitutes therefor or fraudulently intermixes other fish; or if any inspector marks any cask or barrel out of his own town, or which he has not inspected, packed, and himself prepared according to law; permits other persons unlawfully to use his brands, or wilfully and fraudulently uses the same himself after the expiration of his commission, he forfeits one dollar for each cask or barrel so dealt with; but an inspector may, after a satisfactory examination, brand such packages, thereby becoming responsible for the quality of the contents as represented by his brand.

SEC. 17. *Size of merchantable lobsters; penalty for sale of lobster meat.* No person shall catch, buy or sell, give away or expose for sale, or possess for any purpose any lobster less than ten and one-half inches in length, alive or dead, cooked or uncooked, measured in manner as follows: taking the length of the back of the lobster, measured from the bone of the nose to the end of bone of the middle flipper of the tail, the length to be taken in a gauge with a cleat upon each end of the same, measuring ten and one-half inches between said cleats, with the lobster laid and extended upon its back its natural length upon the gauge, without stretching or pulling; and any lobster shorter than the prescribed length when caught shall be liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, given away, exposed for sale or in possession. The possession of mutilated lobsters, cooked or uncooked, shall be prima facie evidence that they are not of the required length. All lobsters or parts of lobsters sold for use in this state or for export therefrom must be sold and delivered in the shell under a penalty of twenty dollars for each offense, and whoever ships, buys, gives away, sells or exposes for sale, lobster meat after the same shall have been taken from the shell shall be liable to a penalty of one dollar for each pound of meat so bought, sold, given away, exposed for sale or shipped. Any person or corporation in the business of a common carrier of merchandise, who shall knowingly carry or transport from place to place lobster meat after the same shall have been taken from the shell shall be liable to a penalty of fifty dollars upon each conviction thereof. All lobster meat so illegally bought, shipped, sold, given away, exposed for sale or transported shall be liable to seizure and may be confiscated. Nothing contained herein, shall be held to prohibit the sale of lobsters that have been legally canned.

SEC. 18. *Lobsters with eggs attached.* The commissioner of sea and shore fisheries may purchase at a rate not exceeding twenty-five per cent above the market price, lobsters with eggs attached, caught along the coast of the state. Whoever catches any such lobsters with eggs attached, may safely store the same in lobster cars or sections of cars used for that purpose only, and may keep them separate from other lobsters until such time as the said commissioner or some person or persons designated by him can gather and pay for them. The commissioner or his agent shall liberate them in the vicinity of the location where they were caught; or said commissioner may at his discretion sell any portion or all of them to the officer in charge of the United States fish hatchery for artificial propagation, the proceeds to be applied to the appropriation made for carrying out the provisions of this section.

SEC. 19. *Penalty for sale of lobsters in spawn, etc.* No person shall destroy, catch, buy, sell, expose for sale or possess any female lobsters in spawn or with eggs attached at any season of the year, under a penalty of ten dollars for each lobster so destroyed, caught, bought, sold, exposed for sale or possessed, *provided, however*, if it appears that it was intended to dispose of them in accordance with the preceding section, or to liberate them in accordance with the provisions of this chapter, the person having such lobsters in possession shall not be liable to any of the penalties herein provided, though he may have failed, for any cause not within his control, to so liberate them.

SEC. 20. *Penalty for canning undersized lobsters.* No person shall can lobsters less than ten and one-half inches in length, alive or dead, measured as aforesaid; and for every lobster canned contrary to the provisions of this section, every person, firm, association or corporation so canning, shall be liable to a penalty of one dollar for every lobster so canned contrary to the provisions of this section, and a further penalty of three hundred dollars for every day on which such unlawful canning is carried on.

SEC. 21. *Branding of barrels of lobsters; seizure and forfeiture.* All barrels, boxes or other packages in transit containing lobsters, shall be marked with the word "lobsters" in capital letters, at least one inch in length, together with the full name of the shipper; said marking shall be placed in a plain and legible manner on the outside of such barrel, boxes or other packages; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit, containing lobsters, which are not so marked, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters, less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such lobsters as are of the prescribed length, found in such barrels, boxes or packages shall be forfeited and disposed of under the provisions of section twenty-six.

SEC. 22. *Penalty for not branding lobster barrels.* Every person, firm, association or corporation who ships lobsters without having the barrels, boxes or other packages in which the same are contained, marked as prescribed in the preceding section, shall upon conviction be punished by a fine of twenty-five dollars, and upon subsequent conviction thereof by a fine of fifty dollars, and any person or corporation in the business of a common carrier of merchandise, who shall carry or transport from place to place lobsters in barrels, boxes or other packages not so marked, shall be liable to a penalty of fifty dollars upon each conviction thereof.

SEC. 23. *Owner's name on lobster cars, traps, etc.; penalty.* All cars in which lobsters are kept and all lobster cars while in the water, shall have the name of the owner or owners thereof on the top of the car, where it may be plainly seen, in letters no less than three-fourths of an inch in length, plainly carved or branded thereon, and all traps, nets or other devices for the catching of lobsters, shall have, while in the water, the owner's name carved or branded in like manner on all the buoys attached to said traps or other devices, under a penalty of ten dollars for each car, and five dollars for each trap or device not so marked; and if sufficient proof to establish the ownership of such cars or traps cannot be readily obtained they may be declared forfeited.

Laws of 1901, ch. 284, and Laws of 1903, ch. 70; Revised Statutes 1903, ch. 41, pp. 404-409.

SEC. 27. *Rules for canning herring; penalties.* The commissioner of sea and shore fisheries shall require a strict observance of the following rules. Whoever takes, preserves, sells or offers for sale between the first day of December and the fifteenth day of the following April, any herring for canning purposes less than eight inches long, measured from one extreme to the other, or packs or cans sardines of any description, between the first day of December and the fifteenth day of the following April, forfeits twenty dollars for every hundred cans so packed or canned, and for every hundred herring so taken. All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed, except sardines packed in plain cans and shipped for buyers' labels or cartons. Whoever sells or offers for sale any sardines in cans not so decorated or labeled, shall forfeit one dollar for every can so sold or offered for sale, to be recovered by complaint, indictment or action of debt. No person shall use in the herring fishery, in any of the waters of this State, torches or any artificial light, of any kind,

for the purpose of catching herring, under a penalty of ten dollars for each offense.—*As amended February 22, 1905, Public Laws 1905, ch. 16, pp. 13-14.*

SEC. 28. *Enforcement.* The commissioner of sea and shore fisheries shall insist upon the strict observance of the provisions of the preceding section and enforce the penalties for violation thereof.—*As amended February 22, 1905, Public Laws 1905, ch. 16, p. 14.*

(SECS. 29-33 repealed February 22, 1905; Public Laws 1905, ch. 16, p. 13.)

Laws 1901, ch. 284, and Laws 1903, ch. 178; Revised Statutes 1903, ch. 41, pp. 410-411.

FLOUR.

SEC. 1. *Appointment of inspectors.* The municipal officers of towns may appoint annually, in their towns, one or more suitable persons not interested in the manufacture and sale of flour to be inspectors thereof for one year from the date of appointment.

SEC. 2. *Oath of office.* Such inspector, before entering upon his duties, shall be sworn to the faithful and impartial discharge thereof before the town clerk, who upon payment of fifty cents, shall give him a certificate of his appointment and qualification, to be exhibited on the demand of any person interested in any inspection made by him.

SEC. 3. *Brand as to soundness.* Inspection of flour shall be for the purpose of ascertaining its soundness; every package inspected shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the passage shall be taken out and examined by the inspector, who shall mark upon each package with a brand or stencil, the word, "Sound" or "Unsound," as the quality of the flour contained in each is found, and his name, residence, office and the year of inspection. He shall keep a record of all flour inspected by him, in a suitable book which he shall exhibit to any person requiring it.

SEC. 4. *False or fraudulent marking.* If an inspector falsely and fraudulently marks any package of flour, he shall be fined five dollars for every such package, and forfeits to any person injured thereby three times the amount of damage, in an action of debt.

SEC. 5. *Altering or counterfeiting marks.* Whoever, with intent to defraud, alters, obliterates or counterfeits the marks of an inspector, and whoever, with such intent, places upon any package of flour, marks falsely purporting to be inspection marks, shall be fined not exceeding fifty dollars for each offense, and on conviction of placing such false marks on as many as ten packages at one time, shall also be imprisoned not exceeding ten months.

SEC. 6. *Demands for inspection; fees.* The purchaser may require flour to be inspected before delivery. The inspector's fees shall be five cents a package for lots of less than ten; for lots of more than ten and not exceeding twenty, two cents a package; and for every package exceeding twenty, one cent; to be paid by the person demanding inspection.

SEC. 7. *Quality determinations.* Inspectors shall, when required, determine whether the flour conforms to and equals the sample furnished, and shall mark, with some distinct and intelligible mark, the packages that are found like the sample, and for this service they may charge an additional compensation of one-half cent a package.

SEC. 8. *Inspection not obligatory.* Nothing herein contained prohibits any contract for the manufacture or sale of uninspected flour, when inspection is not required by the buyer or the seller.

Revised Statutes 1903, ch. 39, pp. 384-385.

WATER AND ICE.

SEC. 4. *Injury to property of water company; penalty.* Whoever wilfully injures any property of any water company, or of any city, town or municipal corporation used by it in supplying water to its inhabitants, shall be punished by a fine not exceeding one thousand dollars and by imprisonment not exceeding one year; and such persons shall also forfeit and pay to such water company, city, town or municipal corporation, three times the amount of actual damages sustained, to be recovered in an action on the case.—*As amended March 21, 1905, Public Laws 1905, ch. 93, p. 97.*

SEC. 5. *Penalty for injuring ice.* Whoever wilfully and wantonly or maliciously cuts, injures, mars or otherwise destroys or damages ice upon any waters from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value of the same is diminished for that purpose; or whoever wilfully and wantonly or maliciously incites or procures another to do so, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year; and it is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged or destroyed.

Revised Statutes 1903, ch. 128, p. 945.

SEC. 1. *Corruption of water or ice; penalty.* Whoever knowingly and wilfully poisons, defiles, or in any way corrupts, the waters of any well, spring, brook, lake, pond, river or reservoir used for domestic purposes, for man or beast, or knowingly corrupts the sources of the water supply of any water company, or of any city, town, or municipal corporation supplying its inhabitants with water, or the tributaries of said sources of supply, in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal, or other offensive material, into said waters or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

As amended March 21, 1905. Public Laws 1905, ch. 97, p. 100; Revised Statutes 1903, ch. 129, p. 949.

MARYLAND.

The State board of health is charged with the enforcement of certain of the Maryland food laws. For others there is no special administrative officer.

GENERAL FOOD LAWS.

122. *Adulterations must be so marked.* No person shall mix, color, stain or otherwise sophisticate any article of food or drink with any other ingredient or material for the purpose of gain or profit, nor shall sell or offer for sale or order or permit any employe or other person to sell or offer for sale any article so mixed, colored, stained or otherwise sophisticated, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and unless a notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food or drink at the time of making sale thereof or offering to sell the same.

123. *Glucose, oleomargarine, etc., as adulterants.* No person shall mix any glucose, grape sugar or other article of adulteration with any syrup, honey or sugar intended for human food, or any oleomargarine, suine, beef fat, lard or any other foreign substance with any butter or cheese intended for human food, nor mix or mingle any glucose, grape sugar, oleomargarine or other adulterant with any article of food or dietetics without distinctly marking, stamping or labeling the article or the package containing the same with the true and appropriate name of such adulterant, and the percentage in which it is used for the purpose of adulteration, or enters into the composition of the article so adulterated; nor shall any person sell, offer for sale, or permit to be sold or offered for sale any article of food or drink or dietetics into the composition of which any adulterant has entered, without at the same time informing the buyer of the fact and the proportion in which such adulterant has been used; provided that nothing in this section shall be construed to prevent the use of glucose or grape sugar in the manufacture of candy.

124. *Adulteration of liquids.* No person shall adulterate or sophisticate any wine, vinegar, spirituous or malt liquors used or intended for drink or dietetic purposes, by mixing the same in the manufacture or preparation thereof or otherwise with any deleterious drug, substance or liquid which is poisonous or injurious to health; and no person shall use or offer for sale or import into this State for sale any wine, vinegar, spirituous or malt liquor intended to be used for drink or dietetic purposes knowing the same to be adulterated or in any way sophisticated.

125. *Penalty for adulteration.* If any person shall fraudulently adulterate for the purpose of sale, or shall sell or offer for sale any substance intended for the food of man, or any wine, vinegar, spirits, malt liquors, or other liquor intended for food or dietetic purposes, knowing the same to be adulterated or in any way sophisticated, he shall be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding five hundred dollars, and the article so adulterated shall be forfeited and destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

126. *Penalty for sale of unwholesome provisions.* If any person shall sell or offer for

sale any kind of diseased, corrupted or unwholesome provisions such as poultry, game, flesh, or preparations of flesh, fruits, vegetables, bread, flour, meal, milk or other things intended to be used for human food, he shall be punished by imprisonment in the county jail not more than one year, or be fined not exceeding five hundred dollars, or be both fined and imprisoned in the discretion of the court having jurisdiction, and the unwholesome provisions offered or exposed for sale shall be forfeited and destroyed or so disposed of as to prevent their being used for food; provided, that nothing in this section shall apply to the shippers or consignors of green fruits or vegetables that may be spoiled in transitu.

127. *Examinations by State board of health.* The State Board of Health shall be charged with the duty of rendering effective the provisions of this sub-title, and shall take such steps and do such things as the board may deem necessary, to detect and publicly expose any adulteration or corruption of all articles sold or liquid intended or offered for sale as food or drink; and shall when deemed necessary have the suspected article subjected to chemical or other scientific examination in order to establish more clearly the fact and degree of adulteration.

128. *Condemnation of adulterated products.* Whenever the said Board of Health, or its proper officer shall be satisfied that any article of food, condiment or drink has been adulterated, or is otherwise unsound or unwholesome, the said board or its proper officer shall forbid the sale or disposal of such article for human food and order it to be destroyed or disposed of so as to prevent it from being exposed for sale or used for the food of man; and the person or persons to whom the same belongs or did belong at the time of exposure for sale, or in whose possession, or on whose premises the same was found, refusing or neglecting to destroy or otherwise dispose of such unsound or unwholesome article as directed, shall be liable to the penalty imposed under the provisions of the section 126.

129. *Inspection of foods; sale of unwholesome products prevented; penalty.* The State Board of Health, or its proper officer or any inspector or inspectors appointed by said board are empowered at all reasonable times to inspect and examine any live animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, bread, milk, wine, spirits, malt or other liquors or things exposed for sale or deposited in any place for the purpose of sale, or of preparation for sale and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if such animal, carcass, meat, poultry, game, flesh, fish, fruits, vegetables, bread, milk, or other things appear to the said board or its proper officer or inspector, to be diseased or unsound or unwholesome and unfit for the food of man, the said board or its proper officer shall issue an order preventing the sale of such article or articles for human food, and any person neglecting or refusing to obey such an order shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and, in default of the payment thereof, by imprisonment in the public jail not more than six months.

130. *Prosecutions.* It is hereby made the duty of the prosecuting attorneys of this State to appear for the people and to attend to the prosecution of all complaints under this sub-title in all the courts of their respective counties or the city of Baltimore, as the case may be.

131. *Appropriations.* The sum of twenty-five hundred dollars or so much thereof as may be necessary is annually appropriated for defraying the expenses of chemical and scientific examination of suspected articles of food or drink, for salary of inspector and other necessary expenses, to be paid by the treasurer of the State, on the warrant of the comptroller at such times and in such sums as the board may direct.

ALCOHOLIC BEVERAGES.

316. *Misrepresentation of malt or spirituous liquors; penalty.* No person shall manufacture, sell or offer for sale, or order or permit any employe or other person to sell or offer for sale either at wholesale or retail, any malt extract, beer, porter, ale or stout unless the same shall have been brewed and fermented as such; and any person or corporation or officer or agent thereof violating this provision, or any person or corporation or officer thereof selling or offering for sale, or ordering or permitting any employe or other person to sell or offer for sale any beer (to which coloring matter or portine has been added) representing the same to be malt extract or porter or other beverage, or any malt or spirituous liquor other than by its proper name, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not longer than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment in the discretion of the court having jurisdiction.

Approved April 8. Laws of 1902, ch. 606, sec. 81a, p. 869; General Laws, 1904, vol. 2, art. 27, pp. 883-884.

132. *Sale of malt liquors not brewed assuch, penalty; malt or spirituous liquors sold under wrong names, penalty.* No person shall manufacture, sell or offer for sale, or order or permit any employe or other person to sell or offer for sale, either at wholesale or retail, any malt extract, beer, porter, ale or stout unless the same shall have been brewed and fermented as such; and any person or corporation or officer or agent thereof violating this provision, or any person or corporation or officer or agent thereof selling or offering for sale, or ordering or permitting any employe or other person to sell or offer for sale any beer (to which coloring matter or portine has been added) representing the same to be malt extract or porter or other beverage, or any malt or spirituous liquor other than by its proper name, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not longer than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the court having jurisdiction.

Public General Laws, 1904, vol. 1, art. 43, pp. 1247-1248.

CANNED GOODS.

100. *Soaked goods must be stamped.* Every person, firm or corporation, now engaged or who may hereafter engage in the business of canned fruits, vegetables and other products, and who shall can or preserve in cans by hermetically sealing any description of fruits or vegetables that have been previously evaporated or dried by the application of heat, and known under the general name of dried fruits and vegetables, shall stamp, or cause to be stamped in the cap covering the mouth of the can into which the said dried fruits or vegetables are to be put up or canned, the following words "soaked goods," as also the bona fide name of the person, firm or corporation canning the said dried fruits or vegetables; and the said words to be stamped in the cap of the can shall be of letters not less than three-sixteenths of one inch in height and one-sixteenth of an inch in breadth.

101. *Penalty for defacing labels, etc.* Any person, firm or corporation, who shall neglect to comply with the provisions of the preceding section, and every person or persons who shall render illegible, conceal or hide in any manner the words to be stamped in the cap of the can, as mentioned in said section, shall be deemed guilty of a misdemeanor, and shall, for every such offence, forfeit and pay a fine of not less than five hundred dollars, to be recovered by indictment in any court of this State, having competent jurisdiction for the trial of misdemeanors; and one-half of said fine shall be paid to the informer, and the other half into the treasury of the State.

102. Label showing name and address of packer or dealer. It shall be unlawful in this State for any packer or dealer in hermetically canned or preserved fruits, vegetable or other articles of food, excepting oysters, to sell such canned or preserved fruits, vegetables or other articles of food, unless the cans, jars or vessels which contain the same shall bear the name and address of the person, firm or corporation that canned or packed the article, or the name of the dealer who purchases the same from the packer or his agent; such name, address or place of business shall be plainly printed on the label in letters not less than three-sixteenths of an inch in height and one-eighth of an inch in breadth, together with a brand, mark or term indicating clearly the grade or quality of the article contained therein.

103. Labelling of "soaked goods." All packers and dealers in soaked goods put up from products dried or cured, before canning and sealing shall, in addition to complying with the provisions of the preceding section, cause to be printed plainly, diagonally across the face of the label, in good legible type, one-half of an inch in height and three-eighths of an inch in width, the words "soaked goods."

104. Penalty. Any person violating any of the provisions of the two preceding sections, shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offence, to be recovered by indictment in any court in this State having criminal jurisdiction; one-half of this fine shall be paid to the informer and the other half to the State treasury.

Public General Laws, 1888, vol. 1, art. 27, p. 495.

CONFECTIONERY.

221. Injurious ingredients. No person shall manufacture or sell in this State candy or cakes of any kind soever which contain any ingredient which may be deleterious, injurious or poisonous to the consumer.

222. Penalty. Each and every person who shall manufacture or sell in this State candy or cakes of any kind soever which contain any ingredient which may be deleterious, injurious or poisonous to the consumer shall be guilty of a misdemeanor, and on conviction in a court of competent jurisdiction, shall be fined for each and every offense a sum not less than fifty dollars nor more than two hundred dollars.

Public General Laws 1904, vol. 1, art. 27, p. 852.

223. Use of terra alba, etc.; penalty. If any person or corporation shall use terra alba, or any poisonous or injurious drug or narcotic in the manufacture or coloring of any candy or lozenges in this State, or if any trader shall knowingly sell any candy or lozenges manufactured either in or out of this State, knowing the same to contain terra alba, or any poisonous or injurious drug or narcotic, or to be colored with any poisonous or injurious drug or narcotic, or with any poisonous substance, he, or if a corporation, it and all its agents who shall knowingly violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall be fined not less than fifty dollars nor more than five hundred dollars for the first offense; and not less than five hundred dollars nor more than one thousand dollars for the second offense, one-half of said fine to be paid to the informer.

224. Injuries from adulterations. If any person shall be injured by the use of any such adulterated or poisonous candy or lozenges, he shall be entitled to recover in an action to be brought in any court of competent jurisdiction not less than fifty dollars as liquidated damages and such other and further actual damages as he may prove.

Laws of 1890, ch. 317, sec. 4a-4b; Public General Laws 1904, vol. 1, art. 27, pp. 852-853.

DAIRY PRODUCTS.

20. *Registration of herds.* It shall be the duty of all dairymen or herdsmen or private individuals supplying milk to cities, towns and villages to register their herds or cattle with the Live Stock Sanitary Board,^a in violation of which the parties offending shall be fined not less than one dollar nor more than twenty dollars for each offence.

21. *Inspection of dairies, etc.; rules governing same.* It shall be the duty of the Live Stock Sanitary Board to have inspected at least annually without notice to the owner or those in charge of any dairy or parties supplying milk as named in section 20 the premises wherein cows are kept, and if such premises are found in an unsanitary condition, the said board may prohibit the sale and shipment of milk from such premises until such time as the premises shall conform to the following sanitary rules:

Rule 1. No building or shed shall be used for stabling cows for dairy purposes which is not well lighted and well ventilated and which is not provided with sufficient feed trough or box and suitable floor laid with proper grades and channels to immediately carry off all drainage; and if a public sewer abuts the premises upon which such building is situated, they shall be connected therewith whenever the inspector considers such sewer connection necessary.

Rule 2. No water-closet, privy, cesspool, urinal, inhabited room or workshop shall be located within any building or shed used for stabling cows for dairy purposes or for the storage of milk or cream; nor shall any fowl, hog, sheep or goat be kept in any room used for such purposes.

Rule 3. It shall be the duty of each person using any premises for keeping cows for dairy purposes to keep such premises thoroughly clean and in good repair and well painted or whitewashed at all times.

Rule 4. It shall be the duty of each person using any premises for keeping cows for dairy purposes to cause the building in which cows are kept to be thoroughly cleaned and remove all dung from the premises so as to prevent its accumulation in great quantities.

Rule 5. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles made of non-absorbent materials for the reception, storage and delivery of milk and shall cause them at all times to be cleaned and purified and shall cause all milk to be removed without delay from the rooms in which cows are kept.

Rule 6. Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day and to be properly fed and watered with abundance of pure, clean water.

Rule 7. Any inclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry; no garbage, fecal matter or similar matter shall be placed or allowed to remain in such inclosure unless sufficient straw or similar good absorbent materials be used to keep the inclosure clean at all times and no open drains shall be allowed to run through it.

And any person who shall ship or sell milk contrary to the aforesaid order of said board shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than twenty dollars for each day during which shipments shall be made after notice of such order.

22. *Certificate of health.* The Live Stock Sanitary Board shall, at the request of the owner or owners of dairy herds, furnish them with a certificate of health whenever the provisions of this sub-title are complied with and there is no visible sign of disease amongst such herds; such certificates shall be revocable in the discretion of the board.

^a Appointed by the governor in accordance with the provisions of article 58, vol. 2, of the Public General Laws of 1904.

23. Appropriations. For the purpose of paying the expenses required in carrying out the provisions of this sub-title, the sum of three thousand dollars is hereby appropriated annually, or so much thereof as is necessary, out of the moneys in the treasury not otherwise appropriated, and the Comptroller is authorized and directed to draw his warrant on the treasury for such sum as the said board shall produce vouchers for, not exceeding the amount appropriated, payable monthly.

Laws of 1898, ch. 306, sec. 19-22; Public General Laws 1904, vol. 2, art. 58, pp. 1469-1471.

122. Handling of imitation butter; penalty. No person by himself, his agent or servants, or as the agent or servant of any other person, shall render or manufacture, sell or exchange, offer for sale or exchange, expose for sale or exchange, take orders for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer or convey, with intent to sell within this State, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced directly and wholly from unadulterated milk or cream from the same, which shall be in imitation or semblance of yellow butter produced from pure unadulterated milk or cream from the same; provided that nothing in this section and in sections 123, 124 and 125 shall be construed to prohibit the manufacture or sale of oleomargarine in separate form and in such manner as will advise the purchasers and consumers of its real character, free from coloration or ingredients which cause it to look like yellow butter. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for the first offense, and by a fine of not less than two hundred dollars nor more than five hundred dollars, or by such fine and three months' imprisonment for each subsequent offense.

123. Regulating sale of oleomargarine; penalty. Whoever sells oleomargarine free from coloration or any ingredients that cause it to look like yellow butter, as provided in section 122, from any dwelling, store, office or public market, shall have conspicuously posted therein a placard or sign in plain Roman letters not less than four inches in length "Oleomargarine Sold Here." Any person neglecting or failing to post the placard herein provided for shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for the first offense, and one hundred dollars for each day's neglect so to post placard thereafter, and by a fine of not less than two hundred dollars nor more than five hundred dollars, or by such fine and three months' imprisonment for each subsequent offense.

124. Sale of butter substitutes as butter; penalty. Whoever, by himself or his servants or agents, or as the servant or agent of any other person, sells or offers for sale to any person who asks, sends or inquires for butter, any oleomargarine, butterine or any substance made in imitation or semblance of butter not made entirely of milk or cream from the milk of cows, with or without coloring matter, shall be guilty of fraud, and shall be punished by a fine of one hundred dollars for the first offense and by imprisonment for three months for each subsequent offense.

125. Regulating use of oleomargarine in hotels, etc. No person, by himself, his servants or agents, or as the servant or agent of any other person, shall serve to patrons, guests, boarders, or inmates of any hotel, eating-house, restaurant, cafe, or any place of public entertainment or boarding house or public or private hospital, asylum, school or penal institution or help employed therein, any article or substance made in violation of the provisions of Section 122, or any food made of the same or cooked in the same. Whoever, by himself, his servants or agents, serves to any patron or guest or boarder or inmate of any hotel, eating-house, restaurant, cafe or any place of public entertainment or boarding-house, or public or private hospital, asylum,

school or penal institution, or help employed therein, oleomargarine free from coloration, or any ingredient to make it look like yellow butter, as provided in Section 122, in the place or stead of butter, shall orally notify said guest, patron, inmate or help, that the substance so furnished is not butter, and shall in addition conspicuously display at all times, on each and every side of the room where the latter is served a sign in plain Roman letters, not less than four inches in length, "Oleomargarine Used and Served Here." Any person violating the provisions of this section by neglecting or failing to give the oral notice and keeping the sign conspicuously posted on the walls of the room where the meals are served, shall be guilty of a misdemeanor, and shall be punished by a fine of fifty dollars for the first offense and by a fine of one hundred dollars and imprisonment for one month for each subsequent offense. All indictments under sections 122, 123, 124 and 125 of this article shall be prosecuted as though the same had not been repealed and re-enacted.

Public General Laws 1904, vol. 1, art. 27, pp. 818-820.

232. Standard for pure milk. For the purpose of Sections 232, 233 and 234 the standard for pure milk shall be not more than eighty-seven and one-half per centum of water or fluids, and not less than twelve and one-half per centum of milk solids, of which at least three and one-half per centum shall be butter fats.—*Laws of 1900, ch. 459, sec. 138c.*

233. Adulterated or unwholesome milk defined. For the purposes of said sections milk shall be deemed to be sophisticated, adulterated or unwholesome when it does not contain twelve and one-half per centum of milk solids, of which three and one-half per centum shall be butter fats; or to which has been added salt, boracic acid, salicylic acid, salicylate of soda, formaldehyde or any other acid, drug, compound or substance, or to which ice or water has been added for any purpose whatsoever; or which has been taken from an animal ten days before or five days after parturition; or which has been taken from a sick or diseased animal; or which has been taken from animals fed in whole or in part on garbage or any substance in a state of fermentation or putrefaction, or food that produces impure, diseased or unwholesome milk, or from cows stabled near a house where there is an infectious disease; or from which a portion of the cream has been taken; but nothing in these sections shall be construed as prohibiting the addition of sugar in the manufacture of condensed or preserved milk, or as prohibiting the sale of pure skimmed milk, when sold as such, and from cans plainly and conspicuously marked with the sign or placard "Skimmed Milk," in capital letters, each of a size of not less than one inch square, or as prohibiting the sale of pure, wholesome milk, not complying with the provisions of section 232, for the manufacture therefrom of butter, cheese or other products. Nothing in this section shall be construed as prohibiting the feeding of ensilage from silos.—*Laws of 1900, ch. 459, sec. 138d.*

234. Penalty. Whoever shall violate any of the provisions of Sections 232 and 233 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or imprisoned for not more than sixty days, or both fined and imprisoned in the discretion of the court for each offense; said sections not to apply to Montgomery County, except when residents of said county shall ship or sell milk to Baltimore City, nor to limit the power of the Mayor and City Council of Baltimore to enact ordinances and regulations not inconsistent with the provisions of these sections for the inspection and sale of milk or the products thereof in the city of Baltimore.—*Laws of 1900, ch. 459, sec. 138e.*

235. Regulating sale of condensed or preserved milk. No condensed or preserved milk shall be manufactured, sold or exchanged, or offered or exposed for sale or exchange, unless the same be manufactured from or out of pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed either

wholly or in part, or unless the proportion of milk solids of same shall be in quantity the equivalent of twelve and fifty one-hundredths per centum of milk solids in crude milk, and of which milk solids three and fifty one-hundredths per centum shall be butter fats. No person shall manufacture, sell or exchange, or offer or expose for sale or exchange any condensed or preserved milk unless the same be put up, packed or contained in packages with the name of the manufacturer of the said milk distinctly branded or stamped thereon. Whoever by himself or another violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned for not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment for the first offense, and by a fine of one hundred dollars or imprisonment for three months, or both such fine and imprisonment for each subsequent offense.—*Approved April 7, 1900. Laws of 1900, ch. 532, sec. 138f.*

236. *Use of milk containers without consent of owner, etc.; penalty; disposition of fines.* No person or persons shall hereafter, without the consent of the owner or shipper, use, sell, dispose of, buy or traffic in any milk cans, cream cans or cases belonging to any dealer or shipper of milk or cream residing in the State of Maryland or elsewhere who may ship milk or cream to any city, town or place within this State, having the name or initials of the owners, dealers or shippers stamped, marked or fastened on such cans, or wilfully change by re-marking or otherwise said name or initials of any such owner, dealer or shipper so stamped, marked or fastened upon such cans; nor shall any person, without the consent of the owner, use such cans for any other purpose than for milk or cream; nor shall any person or persons, without the consent of the owner, place in any such cans any substance or product other than milk or cream. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace of the city or county wherein the offense was committed, or in a Court of competent jurisdiction, shall be fined not more than fifty dollars and cost of prosecution; one-half of all fines imposed shall be paid to the informer, and the other half of said fine shall be paid to the Board of School Commissioners of the county or city of Baltimore in which the offense shall be committed; and in default in the payment of said fine to be confined in the jail for a period not less than thirty days nor more than sixty days.—*Approved April 8, 1902. Laws of 1902, ch. 488, sec. 162a, p. 713.*

Public General Laws 1904, vol. 1, art. 27, p. 854-856.

FLAVORING EXTRACTS.

134. *Flavoring extracts.* No person, firm or corporation engaged in making, manufacturing, compounding and selling extracts, essences or other fluids commonly used for the purpose of flavoring articles of food or drink shall use or employ, or permit to be used or employed by his, their or its agents or employes, in the making, manufacture or compounding of such flavoring extracts, essences or fluids any methyl, or wood alcohol; nor shall any person, firm or corporation, his, their or its agents or employes, sell, or offer for sale at wholesale or retail, any flavoring extract, essence or other fluid commonly used for flavoring articles of food or drink when the same contains any methyl, or wood alcohol; and any person, firm or corporation, his, their or its agents, employes or officers, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than three months nor more than twelve months' imprisonment, or by both, in the discretion of the Court.

Approved April 7, 1904. Laws of 1904, ch. 378, sec. 81B, p. 659; Public General Laws 1904, vol. 1, art. 43, p. 1248.

FLOUR.

164. *Penalty for adulterating flour.* If any person shall mix, or cause to be mixed, any corn meal or other flour with wheat flour, for the purpose of selling or otherwise disposing of the same as wheat flour, or shall send the same out of the State for the purpose, or with the intent of selling or otherwise disposing of it, he, on conviction thereof, shall forfeit and pay for each and every such offence a sum not less than two hundred dollars, nor more than one thousand dollars, one-half to the informer and the other half to the State. And in case such offender shall be unable to pay the same, he shall suffer not less than three nor more than twelve months' imprisonment, in the discretion of the court.

165. *Prosecutions.* It shall be the duty of every justice of the peace before whom any information may be lodged and proof made of any violation of the preceding section to issue his warrant to any constable of the county in which the same shall be committed commanding him to bring such offender before him, or any other justice of the peace for said county who shall recognize him in the sum of two thousand dollars, with good and sufficient security; or in case of neglect or refusal, then to commit such offender to prison to take his trial at the next term of the circuit court for the county.

Public General Laws 1904, vol. 1, art. 27, pp. 833-834.

MEAT.

242. *Slaughter of animals unfit for food.* No person shall kill for human food, or shall carry or offer to any butcher, or at any slaughter-house to be killed for human food, any female animal within 30 days before the time for the delivery of its young, or within 30 days thereafter, or any animal that is so far disabled by sickness as to be unable to walk, or any animal known to said person, by reason of disease or injury, to be unfit for human food; and whenever any of said animals shall be found at any place where animals are usually killed for human food, the burden of proving that such animal was not intended for human food shall rest on the party charged, and any person violating the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved March 20, 1902. Laws, 1902, ch. 67, sec. 55a, p. 79; Public General Laws 1904, vol. 1, art. 27, p. 860, also art. 43, sec. 133, p. 1248.

220. *Slaughter of calves; penalty.* It shall be unlawful for any person to sell any calf less than three weeks old to any butcher, or to any person to be butchered. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of ten dollars, one-half of which shall be paid to the informer, and upon failure to pay said fine and cost of prosecution shall be committed to jail for a period not exceeding ten days.

Public General Laws 1904, vol. 1, art. 27, pp. 851-852.

VINEGAR.

135. *Vinegar standards.* No person, firm, or corporate body shall manufacture for sale, sell or deliver, or have in his, her or their possession, with intent to sell or deliver, any vinegar not in compliance with the provisions of Sections 135 and 136. No vinegar shall be marked, branded, sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice and containing at least one and one-half per cent. of solids, and all vinegar shall contain not less than three and one-half per cent., by weight of absolute acetic acid, except when mixed with other articles of food.

136. *Unwholesome vinegar.* No person, firm or corporate body shall manufacture for sale, offer for sale, or have in his, her or their possession with intent to sell, or offer for sale, any vinegar found upon proper test to contain ingredients injurious to health.

137. *Penalty and enforcement.*^a Every person, firm or corporate body who shall violate any of the provisions of Sections 135 and 136 shall, for every offense, forfeit and pay not less than five dollars nor more than one hundred dollars, which shall be recoverable, with costs, including expense of inspection and analysis, by any person suing in the name of the State, as debts of like amount are by law recoverable; provided, that the State Board of Health or other health authority, through its executive officers, together with its deputies, agents and assistants, shall be charged with the enforcement of Section 135 and 136, and shall have full access to all places of business, factories, mills, buildings, carriages, cars, vessels, barrels, tanks and packages of whatever kind used in the manufacture and transportation and sale of any vinegar or any adulteration or imitation thereof, or any package in which vinegar is mixed with articles of food. They shall also have power and authority to open any package, barrel or vessel containing any vinegar or any adulteration or imitation thereof which may be manufactured, sold or exposed for sale, and they shall also have full power and authority to take samples therefrom for analysis upon tendering the value of said samples; and all charges, accounts and expenses of the department for the enforcement of Sections 135 and 136 through the said executive officer or officers and his or their deputies, agents, assistants, chemist and counsel employed by him or them in carrying out said provisions shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the department are paid; and all penalties and costs for the violation thereof shall be paid to the secretary of the State Board of Health, and by him immediately covered into the State Treasury.

138. *Penalty.*^b Every person who violates any of the provisions of Sections 135 and 136, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars; provided, that all fines and costs, including the expense of inspection and analysis imposed under this section shall be covered into the State Treasury, and all vinegar sold or offered for sale in violation thereof shall be subject to forfeiture and spoilation.^c

139. *Jurisdiction.* Magistrates and justices of the peace throughout the State shall have jurisdiction to hear and determine actions arising for violations of these provisions, and to hold for court or impose the penalties provided therein, subject to appeal, as the law shall direct.

140. *Appropriation.* The sum of five hundred dollars is appropriated to carry out the foregoing provisions. The money so appropriated shall be paid by the treasurer of the State upon the warrant of the comptroller, to the State board of health for the purposes herein contemplated.

Approved April 12, 1904. Laws of 1904, ch. 653, secs. 51A-51F, p. 1147; Public General Laws 1904, vol. 1, art. 43, pp. 1249-1250.

WATER AND ICE.

429. *Pollution of drinking water; penalty.* If any person shall put, or cause to be placed, any dead animal, or part of the carcass of any dead animal, or any decayed or filthy animal or vegetable matter, into any stream, or the tributary of any stream, well, spring, reservoir, pond or other source from which water or ice is drawn, taken or used for drinking or domestic purposes, or shall knowingly suffer any sewage,

^aSee also sec. 138.

^bSee also sec. 137.

^cSo in Statutes.

washings or other offensive matters from any privy, cess-pool, factory, trades' establishment, slaughterhouse, tannery, or other place, over which he shall have control, to flow therein, or into any drain or pipe communicating therewith, whereby the water supply of any city, town, village, community or household, is fouled or rendered unfit for drinking and domestic purposes, he shall be guilty of a misdemeanor, and shall, upon conviction thereof in a court of competent jurisdiction, be fined not more than two hundred dollars for every such offense; and after reasonable notice, not exceeding fifteen days, from the State board of health, or any local sanitary authority, to discontinue the act whereby such water supply is fouled, a further sum of not more than fifty dollars for every day during which the offense is continued.

Laws of 1886, ch. 6; Public General Laws 1904, vol. 1, art. 27, pp. 920-921.

78. *Injury of ice; penalty.* Any person who shall enter upon the land or premises of any other person, whether such other person be the owner or lessee of said property or premises, and wilfully and maliciously injure any ice upon any pond or stream of water upon said land so as to injuriously affect the quality of the same as an article for sale or use, or who shall from beyond the property or premises of any such owner or lessee wilfully and maliciously thereon cast or discharge upon any such ice any substance whatever, which shall so injure the same shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars, or imprisoned for thirty days, in the discretion of the court; and the ownership in said ice may be laid in the indictment to be either in any of the persons who have at the time of the commission of said act the right to gather said ice for use or sale as owner or lessee of said land on which said pond or stream may be situated, or in any other person who has the legal right to gather the said ice for sale or use by license from or contract with such owner or lessee.

Laws of 1884, ch. 382; Public General Laws, 1904, vol. 1, art. 27, p. 801.

MASSACHUSETTS.

Massachusetts has been recognized as the leading State in the enforcement of laws relative to the purity of foods, having been the first State to enforce food legislation. Such enforcement has been uniformly maintained since 1883. This legislation is administered by the State board of health, with the exception of those features which come within the jurisdiction of the State dairy bureau. In response to a letter of inquiry, the following statement was received from Dr. Charles Harrington, the secretary and executive officer of that organization:

In answer to your circular of August 14, I beg to inform you that in my opinion the food laws now in force in Massachusetts contain very few defects, and those of a very minor character, which can easily be corrected at the next session of the legislature.

The food laws have been added to by the legislature of 1905, which passed a law prohibiting, under heavy penalty, the presence of wood alcohol in any article of food or in any drug used for internal administration.

Mr. C. D. Richardson, the chairman of the State dairy bureau, also writes that the dairy laws of Massachusetts are entirely satisfactory.

GENERAL FOOD LAWS.^a

SEC. 1. *Creation of state board of health.* There shall be a state board of health consisting of seven persons, one of whom shall annually be appointed by the governor, with the advice and consent of the council, for a term of seven years.—1869, 420, sec. 1; 1879, 291, sec. 2; P. S. 79, sec. 1; 1886, 101, sec. 1.

SEC. 2. *Date of meetings and reports.* Said board shall hold meetings at least once in each month, shall make its own by-laws and shall annually, on or before the thirty-first day of December, make a report to the governor and council for the year ending on the preceding thirtieth day of September.—1869, 420, secs. 2, 3; 1879, 291, sec. 7; P. S. 79, sec. 3; 1886, 101, sec. 2.

SEC. 3. *Duties and salary of secretary.* Said board shall elect a secretary, who shall be the executive officer and shall hold office during the pleasure of the board. He shall, as directed by it, perform or superintend the work prescribed by law for the board and all other duties required by it. He shall not be ex-officio a member of the board, but the board may elect one of its members secretary pro tempore and such member may, in the absence or disability of the secretary, perform his duties. The secretary shall receive from the commonwealth an annual salary of three thousand dollars and his necessary travelling expenses incurred in the performance of

^a See also Meats and Provisions.

his official duties. No member of the board shall receive any compensation; but the actual personal expenses of any member while engaged in his official duties, audited by the board, shall be paid by the commonwealth.—1869, 420, *sec. 5*; 1886, 101, *sec. 3*; 1889, 370.

SEC. 4. *Duties of state board of health.* Said board shall take cognizance of the interests of health and life among the citizens of the commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulteration thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. It shall advise the government relative to the location and other sanitary conditions of any public institutions, and shall have oversight of inland waters, sources of water supply and vaccine institutions. It shall annually examine all main outlets of sewers and drainage of cities and towns of the commonwealth, and the effect of sewage disposal, and shall annually report thereon to the general court, with such recommendations for the protection of the interests of persons and property and for the prevention of offensive odors and objectionable conditions as it considers expedient.—1869, 420, *sec. 2*; 1879, 291, *sec. 3*; P. S. 80, *sec. 1*; 1882, 263, *sec. 5*; 1886, 101, *sec. 4*; 1888, 375, *sec. 1*; 1894, 355; 1897, 510, *sec. 1*; 1901, 104.

SEC. 5. *Food inspectors and chemists; penalty for hindering.* In the performance of its duties relative to the sale of drugs and food it may appoint inspectors, analysts, and chemists, and may remove them. Such inspectors shall have the same power and authority relative to drugs and food as is given by sections forty-two and fifty-two of chapter fifty-six,^a relative to milk, to the inspectors named therein. Whoever hinders, obstructs or in any way interferes with any such inspector, analyst or other officer appointed under the provisions of this section, while in the performance of his official duty, shall be punished by a fine of not more than fifty dollars for the first offence and of not more than one hundred dollars for each subsequent offence.—1882, 263, *secs. 5, 7*; 1884, 289, *sec. 3*; 1885, 352, *sec. 5*.

SEC. 6. *Expenditures for enforcement of law.* The State board of health may annually expend not more than twelve thousand five hundred dollars for the enforcement of the provisions of sections sixteen to twenty-seven, inclusive; but not less than three fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.—1882, 263, *sec. 5*; 1883, 263, *sec. 1*; 1884, 289, *sec. 1*; 1891, 319; 1903, 467, *p. 356*.

SEC. 7. *Prosecutions to be reported.* Said board shall annually report to the general court the number of prosecutions made under the provisions of sections sixteen to twenty-seven, inclusive, and an itemized account of the money expended in carrying out the provisions thereof.—1884, 289, *sec. 2*.

Revised Laws, 1902, vol. 1, ch. 75, pp. 657-658.

SEC. 16. *Liability of employees.* No person shall manufacture, offer for sale or sell, within this Commonwealth, any drugs or article of food which is adulterated within the meaning of section eighteen; but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee.—1882, 263, *sec. 1*; 1897, 344, *sec. 1*; 1903, 367, *p. 239*.

SEC. 17. *"Drug" and "food" defined.* The term "drug" as used in sections sixteen to twenty-seven, inclusive, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used therein shall

^a See pp. 255, 257.

include all articles, simple, mixed or compound, used in food or drink by man.—1882, 263, sec. 2; 1886, 171; 1897, 344, sec. 2.

SEC. 18. *Adulteration defined.* A drug shall be deemed to be adulterated: 1. If, when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale. 2. If, when sold under or by a name not recognized in the United States pharmacopœia but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work. 3. If its strength, quality or purity falls below the professed standard under which it is sold.

Food shall be deemed to be adulterated: 1. If any substance has been mixed with it so as to reduce, depreciate, or injuriously affect its quality, strength or purity. 2. If an inferior or cheaper substance has been substituted for it wholly or in part. 3. If any valuable or necessary constituents or ingredients have been wholly or in part taken from it. 4. If it is an imitation of or is sold under the name of another article. 5. If it consists wholly or in part of a diseased, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or in case of milk, if it is produced by a diseased animal. 6. If it is colored, coated, polished or powdered in such a manner as to conceal its damaged or inferior condition, or if by any means it is made to appear better or of greater value than it is. 7. If it contains any added substance or ingredient which is poisonous or injurious to health. 8. If it contains any added antiseptic or preservative substance, except common table salt, saltpetre, cane sugar, alcohol, vinegar, spices, or, in smoked food, the natural products of the smoking process; but the provisions of this definition shall not apply to any such article if it bears a label on which the presence and percentage of every such antiseptic or preservative substance are clearly indicated, nor shall it apply to such portions of suitable preservative substances as are used as a surface application for preserving dried fish or meat, or as exist in animal or vegetable tissues as a natural component thereof, but it shall apply to additional quantities. Said definition shall not apply during the year nineteen hundred and two to goods which were held in stock by retail dealers prior to the first day of January in said year. The provisions of this and the two preceding sections relative to food shall not apply to mixtures or compounds not injurious to health and which are recognized as ordinary articles or ingredients of articles of food, if every package sold or offered for sale is distinctly labelled as a mixture or compound with the name and per cent of each ingredient therein.—1882, 263, sec. 3; 1884, 289, secs. 5, 7; 1897, 344, sec. 3; 1901, 341.

SEC. 19. *Style of labels.* If a statement of any of the ingredients of an article of food or drink or of an article entering into food or drink is required by law to be stated upon the label of such article, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly and conspicuously printed on the label in straight, parallel lines of plain, uncondensed legible type, well spaced on a plain ground. The statement of ingredients shall be clearly separated from and not interspersed or confused with other matter, shall specify every such ingredient by its ordinary name, and shall be in the English language. The letters of said type shall not be less than one-twelfth of an inch long, and shall be larger than those of any other printed matter on the label or package, except the name of the compound or chief article enclosed therein which may be in larger type. The required label shall be firmly attached to or printed on the exterior of the package or envelope of the said article, on the top or side thereof and in plain sight. But the state board of health may in writing approve specific labels not strictly in accordance with the above provisions, if it is of opinion that the information required by law is set forth

thereon clearly enough for the reasonable protection of the purchaser. Goods labelled in violation of the provisions of this section shall be subject to the provisions of law relative to adulteration of food which is unlabelled. Goods held in stock by retail dealers prior to the first day of January in the year nineteen hundred and two shall be exempt from the provisions of this section during said year.—1901, 396, secs. 1-3, 5.

SEC. 20. *Samples.* Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food shall, upon application of an inspector, analyst or other officer or agent of the state board of health and upon tender to him of the value thereof, furnish a sample sufficient for the analysis of any such drug or article of food which is in his possession.—1882, 263, sec. 6.

SEC. 21. *Reserved samples.* Before such sample is analyzed, a portion thereof shall be reserved and sealed by the analyst; and, upon a complaint against any person, such reserved portion shall, upon application, be delivered to the defendant or his attorney.—1884, 289, sec. 8.

SEC. 22. *Labels on canned goods.* Canned articles of food shall not be offered for sale unless they bear a mark to indicate the grade or quality thereof and the name and address of the person who packed or who sells them.—1897, 344, sec. 4.

SEC. 23. *Soaked goods to be so labeled.* All canned articles of food which have been prepared from dried products and have been soaked before canning shall be plainly marked by an adhesive label having on its face the word "soaked" in letters of legible type not smaller than two line pica. All cans, jugs and other packages containing maple syrup or molasses shall be plainly marked by an adhesive label having on its face the name and address of the person who made and prepared the same with the name and quality of the ingredients of the goods in letters of the size and description aforesaid.—1897, 344, sec. 5.

SEC. 24. *Penalty.* Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind, or knowingly permits such stamping or labelling, or, except as hereinafter provided, violates any of the provisions of sections sixteen to twenty-seven, inclusive, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and whoever sells such goods so falsely stamped or labelled shall be punished by a fine of not less than ten nor more than one hundred dollars.—1882, 263, sec. 7; 1897, 344, sec. 6; 1905, 236, p. 158.

SEC. 25. *Injurious adulteration of foods; penalty.* Whoever, for the purpose of sale, fraudulently adulterates food with any substance injurious to health, or knowingly barter, gives away, sells or has in his possession with intent to sell any substance intended for food which has been adulterated with any substance injurious to health, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year; and the articles so adulterated shall be forfeited and destroyed under the direction of the court.—R. S. 131, sec. 12; G. S. 166, sec. 3; 1878, 76; P. S. 208, sec. 3.

SEC. 26. *Adulteration of drugs; penalty.* Whoever, for the purpose of sale, fraudulently adulterates any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing it to be adulterated, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year; and such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court.—R. S. 131, sec. 3; 1853, 394; G. S. 166, sec. 5; P. S. 208, sec. 5; 1896, 397, sec. 19.

SEC. 27. *Drug standards.* If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States pharmacopœia, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth.—1882, 263, sec. 4; 1884, 289, sec. 5.

SEC. 1. *Results of analyses and trade-marks, etc., of adulterated goods to be published.* The state board of health shall cause to be published as often as once each month in the official publication of said board, and also, if in its opinion the public health can be served thereby, may cause to be published in one or more papers in Massachusetts, a certificate of the examination or analysis made by authority of said board during the preceding month of any article of food manufactured or offered for sale in the Commonwealth which is adulterated within the meaning of chapter seventy-five of the Revised Laws; and said board of health shall also cause to be published, with such certificate of examination, a statement of the trade-mark, brand-mark or name, with the name and place of business of the manufacturer which appear upon the package or box containing such adulterated article, or with the name and place of business of the wholesale dealer of whom the goods were obtained.

SEC. 2. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved April 8, 1902. Acts of 1902, ch. 272, p. 143.

SEC. 1. *Search warrants.* A court or justice authorized to issue warrants in criminal cases may, upon complaint under oath that the complainant believes that any of the property or articles hereinafter named are concealed in a particular house or place, if satisfied that there is reasonable cause for such belief, issue a warrant to search for the following property or articles.—*Revised Statutes 142, secs. 1-2; G. S. 170, secs. 1-2; P. S. 212, secs. 1-2.*

* * * Sixth. Diseased animals or carcasses of slaughtered animals, or any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind or the meat of calves which were killed when less than four weeks old, or any product thereof, if kept or concealed with intent to kill, sell or offer the same for sale for food.—*1866, 253, sec. 2; 1894, 491, sec. 14.*

Seventh. Diseased animals.—*1899, 408, sec. 16.*

Revised Laws, 1902, vol. 2, ch. 217, p. 1818.

SEC. 1. *Labeling of wood alcohol.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison," in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SEC. 2. *Fine for selling food, drink or drug containing wood alcohol.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 27, 1905. Acts of 1905, ch. 220, p. 149.

ALCOHOLIC BEVERAGES.

SEC. 1. *Addition of injurious ingredients; penalty.* Whoever, for the purpose of sale, adulterates any liquor used or intended for drink with Indian cockle, vitriol, grains of paradise, opium, alum, cochineal, capsicum, copperas, laurel water, logwood, Brazil wood, sugar of lead or any other substance which is poisonous or injurious to health, and whoever knowingly sells any such liquor so adulterated, shall be punished by

imprisonment in the State prison for not more than three years; and the articles so adulterated shall be forfeited.—*Laws of 1855, ch. 356; G. S. 166, sec. 4, P. S. 208, sec. 4.*

Revised Laws 1902, vol. 2, ch. 213, p. 1802.

SEC. 17. *Liquor licenses to be subject to food and drug adulteration laws.* Each license shall be expressed to be subject to the following conditions:—1875, 99, sec. 6; P. S. 100, sec. 9.

Third. That spirituous or intoxicating liquors shall not be sold, exchanged or delivered, or exposed, offered, or kept for sale, exchange or delivery, upon the licensed premises unless it is of good standard quality and is free from any adulteration prohibited in the pharmacopoeia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.—1896, 272.

Revised Laws 1902, vol. 1, ch. 100, p. 840.

SEC. 33. *Regulating trade in imported liquor.* Importers of liquors of foreign production which is imported under authority of the laws of the United States may own, possess, keep or sell such liquor in the original casks or packages in which it was imported and in quantities not less than those in which the laws of the United States require such liquor to be imported, and, when sold, it shall be as pure and unadulterated as when imported.—1852, 322, sec. 14; 1855, 215, secs. 2, 4; G. S. 86, sec. 25; 1869, 415, sec. 27; 1875, 99, sec. 3; P. S. 100, sec. 4.

Revised Laws 1902, vol. 1, ch. 100, p. 845.

SEC. 1. *Inspector's office abolished.* The office of inspector and assayer of liquors is hereby abolished.

SEC. 2. *State board of health to inspect liquors.* The powers and duties heretofore conferred and imposed on the inspector and assayer of liquors are hereby conferred and imposed on the state board of health.

SEC. 3. This act shall take effect upon its passage.

Approved February 25, 1902. Acts of 1902, ch. 110, p. 55.

BAKING POWDERS.

SEC. 1. *Labels.* Whoever manufactures for sale within this state, or offers or exposes for sale or sells any baking powder or mixture or compound intended for use as a baking powder under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture or compound, a label distinctly printed in brevier gothic capital letters, in the English language, containing the name and residence of the manufacturer and the ingredients of the baking powder, mixture or compound.

SEC. 2. *Penalty.* Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than one hundred dollars for each offence.

SEC. 3. *Effect.* This act shall take effect on the first day of April in the year nineteen hundred and three.

Approved June 28, 1902. Acts of 1902, ch. 540, pp. 336-337.

BREAD.

SEC. 28. *Sanitation of bakeries.* All buildings which are occupied as biscuit, bread or cake bakeries shall be properly drained and plumbed. They shall be provided with a proper wash room and water closets, having ventilation apart from the bake room or rooms where food products are manufactured; and no water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery.—*Laws of 1896, ch. 418, secs. 1 and 4.*

SEC. 29. *Construction of rooms used for manufacturing flour products.* Every room which is used for the manufacture of flour or meal food products shall, if required by the board of health, have an impermeable floor constructed of cement or of tiles laid in cement, and an additional floor of wood properly saturated with linseed oil. The walls and ceiling of such room shall be plastered or wainscoted, and, if required by the board of health, shall be whitewashed at least once in three months. The furniture and utensils therein shall be so arranged that they and the floor may at all times be kept clean and in good sanitary condition.—*Laws of 1896, ch. 418, sec. 2.*

SEC. 30. *Sleeping rooms in bakeries.* The sleeping-places for persons who are employed in a bakery shall be separate from the rooms in which flour or meal food products are manufactured or stored.—*Laws of 1896, ch. 418, sec. 5.*

SEC. 31. *Storage of flour or meal products.* The manufactured flour or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleaned.—*Laws of 1896, ch. 418, sec. 3.*

SEC. 32. *Alterations.* The owner, agent or lessee of any property affected by the provisions of sections twenty-eight and twenty-nine shall, within sixty days after service of notice requiring any alterations to be made in such property, comply therewith. Such notice shall be in writing, and may be served upon such owner, agent or lessee personally or by mail directed to his last known address.—*Laws of 1896, ch. 418, sec. 7.*

SEC. 33. *Penalty.* Whoever violates the provisions of the five preceding sections, or refuses to comply with any requirement of the board of health authorized therein, shall, for the first offence, be punished by a fine of not less than twenty nor more than fifty dollars; for the second offence, by a fine of not less than fifty nor more than one hundred dollars or by imprisonment for not more than ten days; for the third offence, by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.—*Laws of 1896, ch. 418, sec. 6.*

SEC. 34. *Regulations by board of health; posting of regulations and law.* The board of health of a city or town may make such further regulations as the public health may require, and shall cause such regulations, together with the six preceding sections, to be printed and posted in all such bakeries and places of business.—*Laws of 1896, ch. 418, sec. 8; as amended May 21, 1902, Acts and Resolves 1902, ch. 403, p. 230.*

Revised Laws 1902, vol. 1, ch. 75, pp. 662-663.

SEC. 3. *Weight of bread loaves.* A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold in whole, half, three-quarter and quarter loaves, but not otherwise.—*C. L. 8; 1696, 9; 1720-21, 2; 1859, 174, sec. 3; G. S. 49, sec. 5; P. S. 60, sec. 3.*

SEC. 4. *Price lists to be posted in retail shops.* In each shop or place where bread is sold by retail and in each front window thereof, a legibly printed price list of the different kinds and qualities of loaves sold there, with the price thereof by the loaf and by the half, three-quarter and quarter loaf, shall be conspicuously placed.—*1859, 174, sec. 3; G. S. 49, sec. 6; P. S. 60, sec. 4.*

SEC. 5. *Weighing bread for purchaser.* Bread, when sold, shall, upon request of the buyer, be weighed in his presence and, if found deficient in weight, additional bread shall be delivered to make up the legal weight.—1800, 76, sec. 1; 1859, 174, sec. 4; G. S. 49, sec. 7; P. S. 60, sec. 5.

SEC. 6. *Penalty.* Whoever violates any of the provisions of the three preceding sections shall forfeit ten dollars for each offence, to the use of the informer.—1800, 76, sec. 2; 1859, 174, sec. 5; G. S. 49, sec. 8; 1870, 365; P. S. 60, sec. 6.

SEC. 7. *Exemptions.* The provisions of the four preceding sections shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound.—1859, 174, secs. 2-4; G. S. 49, sec. 9; P. S. 60, sec. 7.

Revised Laws 1902, vol. 1, ch. 57, pp. 557-558.

CANDY.

SEC. 4. *Candy containing alcohol.* Whoever sells to a person under sixteen years of age any candy or other article enclosing liquid or syrup containing more than one per cent of alcohol shall be punished by a fine of not less than fifty nor more than one hundred dollars.—*Laws of 1891, ch. 333.*

SEC. 6. *Candy or toys containing arsenic.* Whoever himself or by his agent or servant, or as the agent or servant of another person, manufactures, sells or exchanges, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, any toys or confectionery, containing or coated wholly or in part with arsenic, shall be punished by a fine of not less than fifty nor more than one hundred dollars.—*Laws of 1891, ch. 374, sec. 1.*

Revised Laws, 1902, vol. 2, ch. 213, p. 1803.

CHOCOLATE.

SEC. 8. *Quality brands on chocolate.* Chocolate in cakes shall be made in pans in which shall be stamped the name of the manufacturer, the town in which he resides, the quality of the chocolate in figures, "No. 1," "No. 2," "No. 3," as the case may be and the letters Mass.—1802, 133; 1803, 54, sec. 1; R. S. 28, sec. 60; G. S. 49, sec. 24; P. S. 60, sec. 8.

SEC. 9. *Three qualities defined; brand on boxes.* Quality number one shall be made of cocoa of the first quality and quality number two of cocoa of the second quality, and both shall be free from adulteration; quality number three may be made of the inferior kinds and qualities of cocoa. Each box containing chocolate shall be branded on the end thereof with the word "chocolate," the name of the manufacturer of the chocolate, the town in which it was manufactured and the quality, as described and directed in the preceding section for the pans.—1802, 133; 1803, 54, sec. 2; R. S. 28, sec. 61; G. S. 49, sec. 25; P. S. 60, sec. 9.

SEC. 10. *Seizure of goods.* If chocolate manufactured in this commonwealth is offered for sale or found and is not of one of the qualities described in the two preceding sections or marked as therein directed, it may be seized and labelled.—1802, 133; 1803, 54, secs. 3-4; R. S. 28, sec. 62; G. S. 49, sec. 26; P. S. 60, sec. 10.

Revised Laws, 1902, vol. 1, ch. 57, p. 558.

DAIRY PRODUCTS.

SEC. 5. *General agent of dairy bureau; salary.* The board shall at its annual meeting appoint a general agent of the dairy bureau to assist the bureau and under its direction to superintend the work provided for in section eleven. He shall receive an annual salary of fourteen hundred dollars and his necessary expenses.—1891, 412, sec. 6; 1900, 368; 1905, ch. 155, p. 103.

SEC. 11. *Dairy bureau of the board of agriculture; duties; expenses.* The dairy bureau of the board of agriculture shall consist of three members of said board, one of whom shall annually, before the first day of July, be appointed by the governor, with the advice and consent of the council, for a term of three years, or for such shorter term as he may continue a member of the board. The governor may, at any time, terminate the service of any member of said bureau, and thereupon, or upon any member thereof ceasing to be a member of the board, he may appoint another member in his place. Each member of such bureau shall receive five dollars for each day of actual service and his travelling expenses, which shall be paid by the Commonwealth out of the fund provided for in the following section. The bureau, under the general direction of the board of agriculture, shall inquire into the methods of making butter and cheese in creameries or cheese factories, investigate all dairy products and imitation dairy products bought or sold within the Commonwealth, enforce the laws for the manufacture, transfer and sale thereof, and shall disseminate such information as will tend to produce a better quality thereof. The secretary of the board of agriculture shall be the executive officer of the bureau, subject to its control and direction, and shall receive, in addition to his salary as secretary, five hundred dollars a year from the commonwealth.—1891, 412, secs. 7, 11; 1892, 139.

SEC. 12. *Annual expenditure; cooperation; report.* The bureau may expend not more than seven thousand dollars annually in its work, and it may co-operate with the State board of health and with inspectors of milk, but it shall not interfere with the duties of such board or officers. It shall annually, before the fifteenth day of January, report to the general court in detail the number of agents, assistants, experts, and chemists employed by it, with their expenses and disbursements, of all investigations made by it, of all cases prosecuted with the results thereof, and other information advantageous to the dairy industry.—1891, 412, secs. 8, 10; 1895, 214.

SEC. 13. *Inspection rights; prosecution; hindering officers.* The bureau and its agents and assistants shall have access to all places of business, factories, buildings, carriages and cars used in the manufacture, transportation or sale of dairy products or imitations thereof, and to all vessels and cans used in such manufacture and sale, and shall have the authority given to the state board of health or its officers, or to inspectors of milk, to enforce and prosecute violations of all laws relating to dairy products or imitations thereof. Whoever hinders, obstructs or in any way interferes with an officer or duly authorized agent of the dairy bureau in the performance of his duty shall be punished by a fine of one hundred dollars for the first offence and of two hundred dollars for each subsequent offence, which shall be payable into the treasury of the commonwealth.—1891, 412, secs. 9, 12; 1894, 280, sec. 5.

Revised Laws, 1902, vol. 1, ch. 89, p. 778-779.

SEC. 35. "*Oleomargarine*," "*butter*," and "*cheese*" defined. For the purpose of sections thirty-six to forty-seven, inclusive, the word "*oleomargarine*" shall, in addition to its ordinary meaning, include "*butterine*," "*imitation butter*" and any article, substance or compound made in imitation or semblance of butter or as a substitute for butter and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, and for the purposes of sections thirty-seven, thirty-eight and forty-one to forty-seven, inclusive, the terms "*butter*" and "*cheese*" shall mean the products which are usually known by these names and are manufactured exclusively from milk or cream, with salt and rennet, and with or without coloring matter.—1881, 292, sec. 5; P. S. 56, sec. 21.

SEC. 36. *Labeling of oleomargarine, etc.* Whoever, himself or by his agent, sells, exposes for sale or has in his possession with intent to sell, oleomargarine shall have the word "*oleomargarine*" or "*butterine*" stamped, labelled or marked, so that said word cannot be easily defaced, upon the top, side and bottom of every tub, firkin,

box or package containing any of said oleomargarine. Whoever, himself or by his agent, exposes or offers for sale oleomargarine not in the original package shall attach thereto in a conspicuous place a label bearing the words "imitation butter," or the word "oleomargarine" or "butterine." In retail sales of oleomargarine not in the original package the seller shall attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter," or the word "oleomargarine" or "butterine." All said stamps, labels and marks shall be in printed letters in a straight line of plain, uncondensed gothic type, not less than one-half inch in length.—1878, 106, sec. 1; 1881, 292, sec. 1; P. S. 56, sec. 17; 1884, 310, sec. 1; 1885, 352, sec. 1; 1886, 317, sec. 1.

SEC. 37. *Labeling of imitation cheese.* Whosoever, himself or by his agent, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, or containing any fats, oils, or grease not produced from milk or cream, shall have the words "IMITATION CHEESE," stamped, labelled, or marked, in printed letters of plain, uncondensed gothic type, not less than one inch in length, so that the words cannot be easily defaced, upon the side of every cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box, or package containing any of said article, substance, or compound. In retail sales of any of said article, substance, or compound not in the original package, the seller shall attach to each package so sold at retail, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "IMITATION CHEESE," in printed letters of plain, uncondensed gothic type, not less than one-half inch in length.—1881, 292, sec. 2; P. S. 56, sec. 18; 1885, 352, sec. 2.

SEC. 38. *Penalty for neglect to label or false labeling.* Whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of butter or cheese, or as a substitute for butter or cheese, except as provided in the two preceding sections, and whoever, with intent to deceive, defaces, erases, cancels, or removes any mark, stamp, brand, label, or wrapper provided for in said sections, or in any manner shall falsely label, stamp, or mark any box, tub, article, or package, marked, stamped, or labelled as aforesaid, or whoever, himself or by his agent, sells, exposes for sale, or has in his possession with intent to sell, oleomargarine, contained in any box, tub, article or package, marked or labelled with the word "dairy" or the word "creamery," or the name of any breed of dairy cattle, shall for the first offence forfeit one hundred dollars and for each subsequent offence two hundred dollars to the use of the city or town in which the offence was committed.—1878, 106, sec. 2; 1880, 199; 1881, 292, sec. 3; P. S. 56, sec. 19; 1886, 317, secs. 2-3; 1894, 280, sec. 1.

SEC. 39. *Licenses for conveying oleomargarine; fees; marking of wagons; penalty.* Every person who conveys oleomargarine in carriages or otherwise, for the purpose of selling the same in any city or town, shall annually, in May, be licensed by an inspector of milk of such city or town to sell the same within the limits thereof, and shall pay therefor to such inspector fifty cents to the use of the city or town. The inspector shall pay over monthly to the treasurer of such city or town all money collected by him. In towns in which there is no inspector of milk, licenses shall be issued by the town clerk. Licenses shall be issued only in the names of the owners of carriages or other vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall be numbered and shall state the name, residence, place of business, number of carriages or other vehicles used, and the name and residence of every driver or other person engaged in carrying oleomargarine. Each licensee shall before engaging in the sale of oleomargarine cause his name, the number of his license and his place of business to be

legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale thereof, in gothic letters not less than one inch in length, and he shall report to the inspector any change of driver or other person employed by him which may occur during the term of his license. Whoever, without being first licensed, sells oleomargarine, or exposes or offers it for sale from carriages or other vehicles or has it in his custody or possession with intent so to sell, and whoever violates any of the provisions of this section, shall, for a first offence, be punished by a fine of not less than thirty nor more than one hundred dollars, and, for a second offence by a fine of not less than fifty nor more than three hundred dollars.—1886, 317, sec. 4.

SEC. 40. *Registration of dealers in oleomargarine; penalty.* Every person, before selling or offering for sale oleomargarine in a store booth, stand or market-place in a city or in a town in which an inspector of milk is appointed, shall annually, in May, register in the books of such inspector, or if there is no inspector then in the books of the town clerk, his name and proposed place of sale, and shall pay fifty cents for the registering to the use of such city or town. Whoever neglects so to register shall be punished by a fine of not more than twenty dollars.—1886, 317, sec. 5.

SEC. 41. *Trade in imitation butter; penalty.* Whoever, himself or by his agent or servant, renders, manufactures, sells, offers for sale, exposes for sale, takes orders for the future delivery of, has in his possession, keeps in storage, distributes, delivers, transfers or conveys with intent to sell, within the commonwealth, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not more than one year; but the provisions of this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from any coloration or ingredient which causes it to look like butter.—1891, 58, secs. 1-2; 1894, 280, sec. 6; 1896, 377, sec. 1.

SEC. 42. *Sampling and analysis of suspected butter or cheese; penalty for hindrance.* Inspectors of milk shall, if they have reasonable cause to believe that the provisions of sections thirty-six to forty-seven, inclusive, have been violated, and on the information of any person who lays before them satisfactory evidence by which to sustain such complaints, institute complaints for violations of said sections. They may enter all places in which butter, cheese or imitations thereof are stored or kept for sale, and shall take samples of suspected butter, cheese or imitations thereof and cause them to be analyzed or otherwise satisfactorily tested, and shall record and preserve the result of such analysis or test as evidence. Before commencing the analysis of any sample in proceedings under sections thirty-six, thirty-seven and thirty-eight, the analyst shall reserve and seal a portion of the sample, and, upon a complaint against any person, such reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the expenses of such prosecutions. Whoever hinders, obstructs or in any way interferes with an inspector or his agent in the performance of his duty under the provisions of this section shall be punished by a fine of fifty dollars for the first offence and of one hundred dollars for each subsequent offence.—1881, 292, sec. 4; P. S. 56, sec. 20; 1884, 310, secs. 2, 4; 1891, 58, sec. 3.

SEC. 43. *Oleomargarine sold as butter; penalty.* Whoever, himself or by his agent, sells or offers for sale to any person who asks, sends or inquires for butter, any oleomargarine, shall be punished by a fine of one hundred dollars for each offence.—1891, 412, sec. 1; 1894, 280, sec. 2.

SEC. 44. *Oleomargarine unlabeled; penalty.* Whoever exposes for sale oleomargarine which is not marked and distinguished by all the marks, words and stamps required by law, and does not have upon the exposed contents of every opened tub, package or parcel thereof a conspicuous placard with the word "oleomargarine" printed thereon in plain, uncondensed gothic letters not less than one inch long, shall be punished by a fine of one hundred dollars for each offence.—1891, 412, sec. 2; 1894, 280, sec. 3.

SEC. 45. *Placards where oleomargarine is sold; penalty.* Whoever sells oleomargarine from any dwelling, store, office or public mart which does not have conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "oleomargarine sold here," or "butterine sold here," approved by the dairy bureau, shall be punished by a fine of one hundred dollars for the first offence and one hundred dollars for each day's neglect after conviction for the first offence.—1891, 412, sec. 3.

SEC. 46. *Unmarked oleomargarine wagons, etc.; penalty.* Whoever himself or by his agent, peddles, sells, solicits orders for the future delivery of or delivers from any cart, wagon or other vehicle, oleomargarine, not having on both sides of said cart, wagon or other vehicle the placard in uncondensed gothic letters, not less than three inches in length, "licensed to sell oleomargarine" shall be punished by a fine of one hundred dollars or by imprisonment for thirty days for each offence.—1891, 412, sec. 4; 1894, 280, sec. 4.

SEC. 47. *Use of oleomargarine in hotels, etc.; penalty.* Whoever furnishes oleomargarine or causes it to be furnished in any hotel, restaurant or boarding house or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter shall be punished by a fine of not less than ten nor more than fifty dollars for each offence.—1891, 412, sec. 5; 1896, 377, sec. 2.

SEC. 48. *Process or renovated butter must be labeled; penalty.* Whoever, himself or by his agent, or as the servant or agent of another person, sells, exposes for sale or has in his custody or possession with intent to sell, any article or compound which is produced by taking original packing stock or other butter, or both, melting the same, so that the butter fat can be drawn off, mixing the said butter fat with skimmed milk or milk, or cream, or other milk product, and re-churning the said mixture, or by any similar process, and is commonly known as process butter, shall have the words "renovated butter" conspicuously stamped, labelled or marked, in a straight line in printed letters, not less than one half inch in length, of plain, uncondensed gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself or by his agent, attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter" in printed letters not less than one half inch in length, in a straight line of plain, uncondensed gothic type. Whoever violates any provision of this section shall for a first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, for a second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than sixty nor more than ninety days.—1899, 340; 1903, ch. 361, p. 235.

SEC. 49. *Labeling of compound lard; penalty.* No person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredients except the pure fat of swine, in any tierce, bucket, pail or other vessel or wrapper, or under any label, bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words; but every vessel, wrapper or label in or under which such article is sold, delivered, prepared, put up or exposed for sale by him shall bear on the top or outer side thereof, in

letters not less than one-half inch in length and plainly exposed to view, the words "compound lard." Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars for the first offence or of not more than one hundred dollars for a subsequent offence.—1887, 449.

SEC. 50. *Disposal of fines.* All fines recovered under the provisions of section forty-three, forty-four, forty-five, forty-six and forty-seven shall be payable to the commonwealth.—1891, 412, sec. 12.

SEC. 51. *City milk inspectors.* The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more inspectors of milk for their respective cities and towns. Each inspector shall be sworn before entering upon the performance of his official duties and shall publish a notice of his appointment for two weeks in a newspaper published in his city or town, if any; otherwise he shall post such notice in two or more public places in such city or town. He shall receive such compensation as the mayor and aldermen or selectmen may determine.—1859, 206, secs. 1, 3; G. S. 49, sec. 148; 1864, 122, secs. 1-2; P. S. 57, secs. 1-2; 1884, 310, sec. 3; 1885, 352, sec. 4; 1886, 318, sec. 1.

SEC. 52. *Record of milk dealers; sampling and analysis of milk.* Such inspectors shall keep an office and shall record, in books kept for the purpose, the name and places of business of all persons engaged in the sale of milk within their city or town. They may, with the approval of the mayor or selectmen, employ collectors of samples of milk, who shall be sworn before entering upon their duties. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk, and may take therefrom samples for analysis. They shall, upon request made at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken a portion of each sample, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such samples to be analyzed or otherwise satisfactorily tested, and shall record and preserve as evidence the result thereof; but no evidence of the result of such analysis or test shall be received if the inspector or collector on request, refuses or neglects to seal and deliver a portion of the sample taken as aforesaid to the owner or person from whose possession it is taken.—1859, 206, secs. 1-2; G. S. 49, sec. 149; 1860, 165, sec. 2; 1864, 124, sec. 2; P. S. 57, sec. 2; 1884, 310, secs. 3-4; 1885, 352, sec. 4; 1886, 318, secs. 1, 3.

SEC. 53. *Licenses for milk wagons; penalty.* Whoever, in cities and in towns in which an inspector of milk is appointed, conveys milk in carriages or otherwise for the purpose of selling it in such city or town shall annually, before the first day of June, be licensed by the inspector of milk of such city or town to sell milk within the limits thereof, and shall pay to such inspector fifty cents to the use of the city or town. The inspector shall pay over monthly to the city or town treasurer all money collected by him. Licenses shall be issued only in the names of the owners of carriages or other vehicles. They shall, for the purposes of this chapter, be conclusive evidence of ownership and shall not be sold, assigned or transferred. Each license shall contain the number thereof, the name, residence, place of business, number of carriages or other vehicles used by the licensee and the name of every driver or other person employed by him in carrying or selling milk. Each licensee shall, before engaging in the sale of milk, cause his name, the number of his license and his place of business to be legibly placed on each outer side of all carriages or other vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his license. Whoever, without being first so licensed, sells milk or exposes it for sale from carriages or other vehicles, or has it in his custody or possession with intent so to sell, and whoever violates any of the provisions of this section, shall for a first offence be punished by a fine of not less than thirty nor more than one hundred dollars, for a second offence by a fine of not less than fifty nor

more than three hundred dollars and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than sixty days.—1859, 206, sec. 2; *G. S.* 49, sec. 151; 1864, 122, sec. 4; 1880, 209, sec. 1; *P. S.* 57, sec. 3.

SEC. 54. *Registration of milk dealers; fee; penalty.* Every person, before selling milk or offering it for sale in a store, booth, stand or market-place in a city or in a town in which an inspector of milk is appointed, shall register in the books of such inspector his name and proposed place of sale, and shall pay to him fifty cents to the use of such city or town. Whoever neglects so to register, shall be punished by a fine of not more than twenty dollars.—1864, 122, sec. 4; 1880, 209, sec. 2; *P. S.* 57, sec. 4.

SEC. 55. *Adulterated or diluted milk; penalty.* Whoever, himself or by his servant or agent, or as the servant or agent of another person, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver or exposes or offers for sale or exchange, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or as pure milk, milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than nine and three-tenths per cent of milk solids exclusive of fat, shall for a first offence be punished by a fine of not less than fifty nor more than two hundred dollars, for a second offence by a fine of not less than one hundred nor more than three hundred dollars and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than sixty nor more than ninety days.—1856, 222; 1859, 206, secs. 4-5; *G. S.* 49, sec. 151; 1860, 165, sec. 1; 1863, 140, sec. 2; 1864, 122, sec. 4; 1868, 263, sec. 1; 1869, 150, sec. 1; 1870, 311; 1872, 319, secs. 1-3; 1880, 209, secs. 3-4; *P. S.* 57, secs. 5-6; 1885, 352, sec. 8; 1886, 318, sec. 2; 1900, 300, sec. 1.

SEC. 56. *Milk standard.* In prosecutions under the provisions of sections fifty-one to sixty-four, inclusive, milk which, upon analysis is shown to contain in April, May, June, July, August and September less than twelve per cent of milk solids, or less than nine per cent of milk solids exclusive of fat, or less than three per cent of fat, and in the other months to contain less than thirteen per cent of milk solids, or less than nine and three-tenths per cent of milk solids exclusive of fat, or less than three and seven-tenths per cent of fat, shall not be considered milk of good standard quality.—1880, 209, sec. 7; *P. S.* 57, sec. 9; 1885, 352, sec. 6; 1886, 318, sec. 2; 1896, 398, sec. 2; 1899, 223.

SEC. 57. *Sale of milk below standard; penalty.* Whoever, himself or by his servant or agent or as the servant or agent of another person, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver, milk which is not of good standard quality shall for a first offence be punished by a fine of not more than fifty dollars, for a second offence by a fine of not less than one hundred nor more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than sixty nor more than ninety days.—1880, 209, sec. 4; *P. S.* 57, sec. 6; 1886, 318, sec. 2; 1900, 300, sec. 2.

SEC. 58. *Skimmed milk must be labeled.* Whoever, himself or by his agent, sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or a part thereof has been removed, not having the words "skimmed milk" distinctly marked upon a light ground in plain, dark, uncondensed gothic letters at least one inch in length in a conspicuous place upon every vessel, can or package from or in which such milk is, or is intended to be, sold, exchanged or delivered shall be punished as provided in section fifty-five. If such vessel, can or package is of the capacity of not more than two quarts, said words may be placed upon a detachable label or tag attached thereto and said letters may be less than one inch in length.—1880, 209, sec. 5; *P. S.* 57, sec. 7; 1885, 352, sec. 7; 1896, 398, sec. 1.

SEC. 59. *Brand for condensed milk.* Whoever sells, or offers for sale or exchange, condensed milk or condensed skimmed milk in hermetically sealed cans without having such cans distinctly labeled with the name of the manufacturer of such milk, the brand under which it is made and the contents of the can; and whoever sells condensed milk from cans or packages not hermetically sealed without having such cans or packages branded or labeled with the name of the manufacturer, shall be punished as provided in section fifty-five.—1896, 264.

SEC. 60. *Counterfeiting inspector's seal, etc.; penalty.* Whoever makes, causes to be made, uses or has in his possession, an imitation or counterfeit of a seal used by an inspector of milk, collector of samples or other officer engaged in the inspection of milk, and whoever changes or tampers with a sample taken or sealed as provided in section fifty-two, shall be punished by a fine of one hundred dollars and by imprisonment for not less than three nor more than six months.—1886, 318, sec. 4; 1896, 398, sec. 3.

SEC. 61. *Violation of law by milk inspector; penalty.* Any inspector of milk, or his servant or agent, who wilfully connives at or assists in a violation of the provisions of sections fifty-one to sixty-four, inclusive, or of section seventy, or whoever except as provided in section forty-two, hinders, obstructs or interferes with an inspector of milk or his servant or agent in the performance of his duty, shall be punished by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment for not less than thirty nor more than sixty days.—1880, 209, sec. 6; P. S. 57, sec. 8; 1884, 310, sec. 5.

SEC. 62. *Condition under which milk producer is exempt.* A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality unless such milk was taken upon his premises or while in his possession or under his control by an inspector of milk, by a collector of samples of milk, or by an agent of the dairy bureau or of the state board of health, and a sealed sample thereof was given to him.—1894, 425.

SEC. 63. *Report of results of analysis.* An officer of the state board of health or of the dairy bureau, an inspector of milk or collector of samples or other state, city or town officer who obtains a sample of milk for analysis shall, within ten days after obtaining the result of the analysis, send it to the person from whom the sample was taken or to the person responsible for the condition of such milk.—1899, 169.

SEC. 64. *Complaints.* An inspector shall make a complaint for a violation of any of the provisions of sections fifty-one to sixty-nine, inclusive, upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint.—1859, 206, sec. 1; G. S. 49, sec. 149; 1868, 263, sec. 3; 1869, 150, sec. 3.

Revised Laws 1902, vol. 1, ch. 56, pp. 547-554.

SEC. 5. *Feeding of milch cows; penalty.* Whoever knowingly feeds or has in his possession with intent to feed to a milch cow any garbage, refuse or offal collected by a city or town, or by any person having authority from any city or town, by contract or otherwise, shall be punished by imprisonment for not more than sixty days or by a fine of not more than one hundred dollars; and whosoever knowingly feeds or has in his possession with intent to feed to any food animal, except swine, any garbage, refuse or offal collected by a city of more than thirty thousand inhabitants, by contract or otherwise, shall be punished by imprisonment for not more than thirty days or by a fine of not more than fifty dollars.

Laws of 1889, ch. 326; Laws of 1895, ch. 385; Revised Laws, 1902, ch. 213, vol. 2, p. 1803.

65. *Testing accuracy of pipettes, etc.; marks.* Bottles, pipettes or other measuring glasses which are used by a person, firm or corporation, or by an employee or agent thereof, at a creamery, cheese factory, condensed milk factory, milk depot or other

place in this commonwealth, in determining by any test the value of milk or cream received from different persons or associations at such creameries, factories or milk depots as a basis of payment for such milk or cream, shall, before use, be tested for accuracy by the director of the Hatch experiment station of the Massachusetts Agricultural College or by a competent person who may be designated by him. Such director shall receive for such service the amount of the actual cost incurred, and no more, which shall be paid by the persons or corporations for whom it is rendered. Such bottles, pipettes or measuring glasses shall, if found to be accurate, bear in ineffaceable marks or characters the evidence that such test has been so made; if found to be inaccurate they shall be marked "*Bad*."

66. *Inspection of centrifugal or other testing machines.* Said director, or his agent, shall annually inspect, at the expense of the owners, all centrifugal or other machines used by any person, firm or corporation, or by any agent or employee thereof, for the testing of milk or cream in fixing the value thereof; and shall cause all such machines to be put into condition to obtain accurate results with the Babcock or other test, at the expense of the owners thereof. Such machines may be replaced by new machines at the election of the persons to whom they belong.

67. *Manipulators of tests must hold certificates; fees.* No person shall, either himself or as an employee of any other person, firm or corporation, manipulate any test, whether mechanical or chemical, for the purpose of measuring the butter fat contained in milk or cream as a basis for determining the value of such milk or cream, or of butter or cheese made therefrom, without first obtaining a certificate from the director of the Hatch experiment station that he is competent to perform such work. Rules governing applications for such certificates and the granting of the same shall be established by said director. The fee for issuing such a certificate shall not exceed two dollars, and shall be paid by the applicant to said director, to be used in paying the expenses incurred under the provisions of sections sixty-five to sixty-nine, inclusive.

68. *Milk tests by director of Hatch experiment station.* Said director shall test farmers' samples of milk or cream by the Babcock method, and report the results of each test, the cost thereof to be paid by the farmer. The director shall also test by the Babcock method, samples of milk or cream sent from any creamery, factory or milk depot in the commonwealth by its proper representative, the actual cost of such tests to be borne by the sender. The experiment station shall publish and distribute such information relative to the provisions of this section concerning the Babcock test, and the taking and forwarding of samples, as it considers necessary.

69. *Penalty.* Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than twenty-five dollars for the first offence and of not more than fifty dollars for each subsequent offence.

Laws of 1901, ch. 202, secs. 1-6; Revised Laws 1902, vol. 1, ch. 56, pp. 554-555.

SEC. 34. *Jurisdiction of justices of the peace and trial justices.* They shall have jurisdiction, as aforesaid, of cases arising under the laws relative to the inspection and sale of dairy products and imitations thereof, and of cases arising under the provisions of chapter fifty-six relative to the inspection and sale of milk, and may impose the penalties therein prescribed.—1885, 149; 1897, 349.

Revised Laws 1902, vol. 2, ch. 161, p. 1418.

SEC. 30. *Jurisdiction of police, district and municipal courts.* They shall have jurisdiction, as aforesaid, of violations of the laws relative to inspection and sale of milk or of dairy products and imitations thereof, and may impose the same penalties as the superior court in like cases.—1885, 149; 1897, 349.

Revised Laws 1902, vol. 2, ch. 160, p. 1402.

FISH.

SEC. 1. *Office of inspector general abolished.* The office of inspector general of fish is hereby abolished.

SEC. 2. *Board of commissioners on fisheries and game created.* The powers and duties heretofore conferred and imposed upon the inspector general of fish are hereby conferred and imposed upon the board of commissioners on fisheries and game.

SEC. 3. *Town inspectors; reports.* Said board may appoint in every town in which fish is packed for export, inspectors of fish, who shall be sworn before them or before a justice of the peace, and shall give bond to them with sufficient sureties, and be removable at the discretion of said board. Each inspector shall once in six months make the returns to said board necessary to carry into effect the provisions of chapter fifty-six ^a of the Revised Laws.

SEC. 4. *Duties of inspectors; disposition of fees.* The inspectors of fish shall have the powers and perform the duties heretofore conferred and imposed upon the deputy inspectors of fish, but shall pay to the commissioners on fisheries and game the proportion of fees formerly paid to the inspector general of fish. Said commissioners shall pay the fees received from the inspectors into the treasury of the Commonwealth on the first Monday of January and the first Monday of July in each year, and shall include a brief statement of the work of fish inspection, and of the fees received therefor, in their annual report.

SEC. 5. *Repeal.* Sections three and four of chapter fifty-six of the Revised Laws are hereby repealed.

Approved February 27, 1902. Acts of 1902, ch. 138, pp. 71-72.

SEC. 2. *Penalty for counterfeiting brands.* Whoever counterfeits any brand required by this chapter or without authority marks or brands any article required to be inspected, or marks or brands with any counterfeited brand, shall for each offence forfeit not more than two hundred dollars; and whoever alters or defaces any marks or brands made by an inspector or his deputy under the provisions of this chapter shall forfeit not more than twenty-five dollars.—*R. S. 28, sec. 56; G. S. 49, sec. 20; P. S. 56, sec. 13.*

SEC. 3. Repealed April 27, 1902.—*Acts of 1902, ch. 138, pp. 71-72.*

SEC. 4. Repealed April 27, 1902.—*Acts of 1902, ch. 138, pp. 71-72.*

SEC. 5. Repealed April 6, 1903.—*Acts of 1903, ch. 196, p. 113.*

SEC. 6. *General inspection and packing regulations.* The inspector general of fish and his deputies shall inspect all fish, the inspection of which is required by this chapter. Fish which are intended for sale or export and which are subject to inspection under the provisions of the following sections may be packed in any manner which may be agreed upon by the buyer and seller, without inspection or branding; but if, at the time of purchase, the buyer so requires, such fish shall be inspected according to the provisions of the following sections and the buyer shall pay all the expenses of inspecting and repacking.—*1803, 55, sec. 2; 1807, 54, sec. 4; R. S. 28, sec. 71; G. S. 49, sec. 35; P. S. 56, sec. 24; 1901, 321.*

SEC. 7. *Salt or pickled fish; quantity brand.* Under the supervision of the inspector general and his deputies, respectively, all kinds of split pickled fish and fish for barrelling, all codfish tongues and sounds, halibut fins and napes, and swordfish, if said articles are intended for export, shall be well struck with salt or pickle in the first instance, and preserved sweet and free from rust, taint or damage; and if they are found in good order and in good quality, they shall be packed in tierces containing three hundred pounds each, in barrels containing two hundred pounds each, in half

^a See pp. 261 to 265.

barrels containing one hundred pounds each, or in packages containing less than one hundred pounds each, on which the number of pounds therein shall be plainly and legibly branded. Every cask, kid or package shall be packed with good clean salt suitable for the purpose, and, after packing with sufficient salt to preserve its contents, shall be headed or well secured and filled up with a clean strong pickle.—C. L. 17; 1756-7, 17, sec. 2; 1803, 55, secs. 3-4; 155, sec. 5; 1809, 120, sec. 3; 1819, 17; 1830, 84; 1834, 147; R. S. 28, sec. 73; 1839, 132, secs. 1-2; 1850, 131; G. S. 49, sec. 36; 1879, 171, sec. 1; P. S. 56, sec. 25.

SEC. 8. *Qualities of fish defined—mackerel, salmon and shad, and other pickled fish.* There shall be five qualities of mackerel, three of salmon and shad and two of other kinds of pickled fish. Mackerel of the best quality, not mutilated, measuring not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from rust, taint or damage, shall be branded *number one*. The next best quality, not less than eleven inches, measuring as aforesaid, free from rust, taint or damage, shall be branded *number two*. Those that remain after the above selections, if free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded *number three, large*. Those of the next inferior quality, free from taint or damage, not less than ten inches, measuring as aforesaid, shall be branded *number three*. All other mackerel free from taint or damage shall be branded *number four*. Salmon and shad which are of the best quality for family use, free from rust or damage, shall be selected for number one and number two, the best of them selected and branded *number one* and the residue *number two*; and all that remain, sound and free from taint, shall be branded *number three*. Of all other pickled fish, the best, which are free from taint and damage, shall be branded *number one*, and those that remain, sound and free from taint, *number two*.—1804, 112, sec. 1; 1809, 120, sec. 3; 1830, 84, sec. 5; 1834, 147, sec. 4; R. S. 28, sec. 73; 1836, 154; 1846, 170, sec. 1; G. S. 49, sec. 37; P. S. 56, sec. 26.

SEC. 9. *Mixing of inspected fish; penalty.* Each cask, kid or package shall be filled with fish of the same kind, or parts of the same kind of fish; and whoever intermixes, takes out or ships any inspected fish which are packed or branded as aforesaid, or puts in other fish for sale or export, shall forfeit fifteen dollars for each package so altered. If any casualty renders it necessary to repack a cask of inspected fish, it shall in all cases be done by an inspector of fish.—1784, 30, sec. 12; 1803, 55, sec. 3; 155, secs. 1, 3, 6; 1804, 4, sec. 2; 1809, 120, sec. 3; R. S. 28, sec. 74; 1839, 132, sec. 1; G. S. 49, sec. 38; P. S. 56, sec. 27.

SEC. 10. *Inspector's brand.* The inspector shall brand in plain legible letters on the head of each cask of fish inspected by him the denomination of the fish packed or repacked therein, his name, and, if a deputy, the name of the place for which he is appointed, the letters Mass., and the year in which the fish are packed; and he shall also, if in his judgment it may be necessary, nail in a suitable manner any cask in which fish are packed.—1756-7, 17, sec. 2; 1803, 55, sec. 3; 1804, 112, sec. 2; 1809, 120, sec. 3; 1830, 84, sec. 4; 1834, 147, secs. 1-3; R. S. 28, sec. 75; G. S. 49, sec. 39; P. S. 56, sec. 28.

SEC. 11. *Inspection authority.* The inspector general of fish, or a deputy specially authorized by him for that purpose, may at all reasonable times enter upon any wharf and into any store, warehouse, or other place where the packing of pickled fish is carried on in this commonwealth, for the purpose of inspecting, examining and supervising the packing and inspecting of such fish, and may examine and weigh any package of such fish for the purpose of ascertaining whether they are fit for export in accordance with the requirements of law.—1879, 171, sec. 3; P. S. 56, sec. 29.

SEC. 12. *Re-inspection.* Pickled fish, which have been duly inspected in the State or country in which they are packed, shall not be subject to re-inspection in this commonwealth.—1829, 31; R. S. 28, sec. 77; G. S. 49, sec. 42; P. S. 56, sec. 30.

SEC. 13. *Packing of small whole fish; brand.* Small fish which are usually packed whole with dry salt or pickled shall be put in good casks of the size and materials required in this chapter for the packing of split pickled fish, and shall be packed close in a cask and well salted; the casks shall be filled with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded with the name of the fish and a like designation of the qualities as is before provided in this chapter relative to the qualities of other pickled fish.—1809, 120, sec. 4; 1817, 70; R. S. 28, sec. 76; G. S. 49, sec. 43; P. S. 56, sec. 31.

SEC. 14. *Size and construction of fish casks for export.* Casks which are used for packing or repacking pickled fish intended for export, unless they contain less than twenty-five pounds weight, shall be made of sound, well-seasoned white oak, ash, red oak, spruce, pine or chestnut staves, with headings of either of said kind of wood, and, if of pine, such headings shall be free from sap and knots and planed; the barrels, half barrels and tierces shall be well hooped with at least three good hoops of sufficient substance on each bilge, and three hoops of the like quality on each chime; the barrel staves shall be twenty-eight inches in length, and the heads shall be seventeen inches between the chimes; the barrels shall contain not less than twenty-eight nor more than twenty-nine gallons each, the half barrels not less than fifteen gallons each and the tierces not less than forty-five nor more than forty-six gallons each. Each cask shall be made in a workmanlike manner, and branded on the side near the bung with the name of the maker.—C. L. 16; 1692-3, 17, sec. 1; 1756-7, 17, sec. 1; 1803, 55, sec. 1; 155, secs. 1, 2; 1804, 4, sec. 3; 1809, 120, sec. 1; 1834, 42; R. S. 28, sec. 78; G. S. 49, sec. 44; 1867, 3; P. S. 56, sec. 32.

SEC. 15. *Inspection of casks.* The inspector general or his deputies shall strictly examine and inspect all casks in which fish are required to be packed, and shall reject such as are not made in a substantial manner and according to the provisions of law.—1830, 84, sec. 4; R. S. 28, sec. 79; G. S. 49, sec. 45; P. S. 56, sec. 33.

SEC. 16. *Fees for inspection and branding.* The fees for inspecting and branding, exclusive of cooperage, shall be, for each tierce, fourteen cents; for each barrel, nine cents; for each half barrel, six cents; for each cask of a smaller denomination, three cents; and, in addition to the fees aforesaid, one cent for each cask nailed as before provided; and all fees shall, in the first instance, be paid by the original owner of the fish or by the person employing the inspector, and may be recovered by them respectively of the purchaser or exporter.—C. L. 53; 1723-4, 6, sec. 6; 1726-7, 1, sec. 10; 1731-2, 2, sec. 9; 1803, 55, sec. 7; 1804, 112, sec. 3; 1809, 120, sec. 7; 1817, 34, sec. 2; 1824, 146; 1829, 47; 1830, 84, sec. 3; R. S. 28, sec. 80; 1838, 84, sec. 5; G. S. 49, sec. 46; P. S. 56, sec. 34.

SEC. 17. *Fees due inspector general.* The inspector general may receive from each of his deputies for every cask of fish inspected by him the following fees: for each tierce, four cents; for each barrel, one cent; for each half barrel and package of less than one hundred and more than fifty pounds, one-half of a cent; and for each package of fifty pounds or less, one-quarter of a cent.—1809, 120, sec. 7; R. S. 28, sec. 81; G. S. 49, sec. 47; 1879, 171, sec. 2; P. S. 56, sec. 35.

SEC. 18. *Packing of herrings and alewives.* Smoked alewives or herrings intended to be packed for sale or export shall be sufficiently salted and smoked to cure and preserve them, and shall afterwards be closely packed in boxes in clear and dry weather.—1807, 54, sec. 1; R. S. 28, sec. 82; G. S. 49, sec. 48; P. S. 56, sec. 36.

SEC. 19. *Grades of herring, etc.* Smoked alewives or herrings shall be divided and sorted by the inspector or his deputy, and designated, according to their quality, *number one* and *number two*. Number one shall consist of all the largest and best cured fish; number two, of the smaller but well-cured fish; and in all cases, those which are belly broken, tainted, scorched or burnt, slack salted or not sufficiently

smoked shall be taken out as refuse.—1807, 54, sec. 2; R. S. 28, sec. 83; G. S. 49, sec. 49; P. S. 56, sec. 37.

SEC. 20. *Construction and size of herring boxes.* Boxes used for packing smoked alewives or herrings shall be made of good sound boards sawed and well seasoned, the sides, top and bottom of not less than half inch and the ends of not less than three-quarter inch boards, securely nailed; and such boxes shall be seventeen inches in length, eleven inches in breadth and six inches in depth, in the clear, inside.—1807, 54, sec. 1; R. S. 28, sec. 84; G. S. 49, sec. 50; P. S. 56, sec. 38.

SEC. 21. *Herring brands.* Each box of alewives or herrings inspected shall be branded on the top by the inspecting officer with his name, the name of the town where it was inspected, the letters Mass., and the quality, *number one* or *number two*, as the case may be. Herrings taken on the coast of Nova Scotia, Newfoundland, Labrador, or of the Magdalen Islands, and brought into this commonwealth shall also be branded with the name of the place or coast where they are taken.—1807, 54, sec. 2; R. S. 28, sec. 85; 1839, 132, sec. 3; G. S. 49, sec. 51; P. S. 56, sec. 39.

SEC. 22. *Fees for inspecting herrings.* The fees for inspecting, packing and branding shall be five cents for each box, and shall be paid by the purchaser. The inspector general may require from his deputies one cent for each box inspected, packed and branded by them.—1807, 54, sec. 4; R. S. 28, sec. 86; G. S. 49, sec. 52; P. S. 56, sec. 40.

SEC. 23. *Penalty for exporting unbranded herrings; penalty for changing contents of branded boxes; reinspection of imported herring not necessary for exportation.* No smoked alewives or herrings shall be exported from this commonwealth, unless inspected and branded as aforesaid, under a penalty of two dollars for each box exported; nor shall alewives or herrings be taken from a box inspected and branded as aforesaid, and replaced by others of an inferior quality with intent to defraud any person in the sale of the same, under a penalty of five dollars for each box so changed; but smoked herrings and alewives arriving from any other state in the United States, and having been there inspected, may be exported in a vessel from this commonwealth without being re-inspected.—1718-19, 4, secs. 2-3; 1726-7, 6, sec. 4; 1731-2, 2, sec. 4; 1807, 54, sec. 5; 1817, 34, sec. 1; 1824, 3, sec. 1; R. S. 28, sec. 87; G. S. 49, sec. 54; P. S. 56, sec. 42.

SEC. 24. *Transportation of unbranded salt fish; penalty.* If any person puts or receives on board a vessel, or into a carriage or conveyance, for sale within or transportation from this commonwealth, pickled fish or smoked fish not inspected and branded as required by law, he shall forfeit not more than ten dollars for every hundred pounds of such fish, and in the same proportion for any other quantity, and such fish shall be forfeited and the inspector or a deputy may seize and libel the same.—1756-7, 17, sec. 3; 1784, 31, sec. 15; 1793, 43; 1803, 55, secs. 5, 6, 9; 155, sec. 5; 1809, 120, secs. 6, 9; 1817, 34, sec. 1; R. S. 28, secs. 88, 89; 118, secs. 20, 21; G. S. 49, secs. 55, 56; P. S. 56, secs. 43, 44.

SEC. 25. *Penalty for selling tainted fish.* Whoever sells within this commonwealth or exports therefrom tainted or damaged fish, unless with the intent that the same shall be used for some other purpose than as food, shall forfeit ten dollars for every hundred pounds of such fish, and in the same proportion for any other quantity; and upon a trial in such case the burden of proof shall be upon the defendant to show for what purpose such fish were so exported or sold.—1809, 120, sec. 3; R. S. 28, sec. 90; G. S. 49, sec. 57; P. S. 56, sec. 45.

SEC. 26. *False or negligent branding by inspector; penalty.* If the inspector general or a deputy inspector brands a cask or package of fish, the contents of which he has not duly inspected, packed, salted or coopered, or permits any other person to use his brands in violation or evasion of the provisions of this chapter, he shall forfeit twenty dollars for each offence, and be liable to removal from office.—1803, 55, sec. 8; 1809, 120, sec. 8; R. S. 28, sec. 91; G. S. 49, sec. 58; P. S. 56, sec. 46.

SEC. 27. "*Quintal*" defined. If fish are sold by the quintal, it shall be understood to mean a quintal of one hundred pounds avoirdupois, and all contracts relative to fish sold in this manner shall be construed accordingly.—1837, 166; G. S. 49, sec. 59; P. S. 56, sec. 47.

SEC. 28. *Clam bait by the barrel*. If clam bait is sold by the barrel, it shall be construed to mean a fish barrel of not more than twenty-nine nor less than twenty-eight gallons, and containing twenty-six gallons of clams and not over three gallons of pickle. If a disagreement arises between the purchaser and seller respecting the quantity in a barrel, either party may have the barrel measured by the inspector of fish; and if it does not contain the aforesaid number of gallons of clams, the seller shall receive pay for the number of gallons it contains, and shall pay the expense of measuring and coopering; otherwise the purchaser shall pay such expense.—1803, 155, sec. 7; 1838, 124; 1840, 63; 1844, 51; 1849, 48, secs. 1-2; G. S. 49, sec. 60; 1867, 347, sec. 1; P. S. 56, sec. 48.

SEC. 29. *Public weigher of salt-water fish*. The mayor and aldermen of cities and the selectmen of towns, in which salt water fish are landed from vessels, shall annually appoint a public weigher of fish, who shall hold office for one year from the time of his appointment and until his successor is appointed, shall be sworn to the faithful performance of his official duties and shall give bond with sureties in the sum of five thousand dollars.—1888, 163, sec. 1.

SEC. 30. *Deputy weighers; bond; weighers not to buy or sell fish*. He may appoint, subject to the approval of the mayor of the city or the chairman of the selectmen of the town, deputy weighers for whose official conduct he shall be answerable, who shall be sworn, and from each of whom such weigher shall require a bond with sureties in the sum of one thousand dollars. The weigher and his deputies shall not be interested directly or indirectly in the buying or selling of fish.—1888, 163, sec. 2.

SEC. 31. *Fish weighed on demand; certificatẽ*. All fish when landed from vessels or boats shall be weighed by such weigher or his deputies, upon the request or demand of the buyer or seller of such fish or of the master, agents or a majority of the crew of such vessel or boat; and the weigher shall issue a certificate of weight to the seller and a duplicate to the buyer.—1888, 163, sec. 3.

SEC. 32. *Record of weigher; sealing of scales, etc*. The deputies shall make report to the weigher of the fish weighed by them, and he shall keep a complete record of such weight with the date of weighing, the name of the vessel from which the fish were taken and the person for whom the fish were weighed. Such scales, beams, measures or balances as may be required by the weigher or his deputies shall be properly sealed according to law and be under his supervision.—1888, 163, sec. 4.

SEC. 33. *Fees*. The fees for weighing shall be twenty cents per one thousand pounds, but in no case less than one dollar, and shall be paid for by the person applying to have the fish weighed. The deputies shall pay to the weigher two cents per one thousand pounds for all fish weighed by them.—1888, 163, sec. 5.

SEC. 34. *Penalty for violation of oath of office*. A weigher or any of his deputies who violates his oath of office shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars and shall forfeit his position.—1888; 163, sec. 6.

Revised Laws, 1902, vol. 1, ch. 56, pp. 541-547.

SEC. 113. *Shellfish not to be taken from contaminated waters*. The state board of health may examine all complaints which may be brought to its notice relative to the contamination of tidal waters and flats in this commonwealth by sewage or other causes, may determine, as nearly as may be, the bounds of such contamination, and, if necessary, mark such bounds. It may also, in writing, request the commissioners on fisheries and game to prohibit the taking from such contaminated waters and flats of any oysters, clams, quahaugs and scallops. Upon receipt of such request,

said commissioners shall prohibit the taking of such shell fish from such contaminated waters or flats for such period of time as the State board of health may prescribe.

SEC. 114. *Penalty.* Whoever takes any oysters, clams, quahaugs or scallops from tidal waters or flats from which the taking has been prohibited as provided in the preceding section shall forfeit not less than five nor more than ten dollars for the first offence, and not less than fifty nor more than one hundred dollars for each subsequent offence; but such penalties shall not be incurred until one week after the commissioners on fisheries and game shall have caused notice of such prohibition, with a description, or the bounds, of the tidal waters or flats to which such prohibition applies, to be published in a newspaper published in the town or county in which or adjacent to which the tidal waters or flats to which such prohibition applies are situated.

Laws of 1901, ch. 138, secs. 1-3; Revised Laws, 1902, vol. 1, p. 805.

MEAT AND PROVISIONS.

SEC. 70. *Seizure of diseased carcasses, etc., by board of health; disposal of money.* Boards of health of cities and towns may inspect the carcasses of all slaughtered animals and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their cities or towns, and for such purpose may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or exposed for sale. If, on such inspection, it is found that such carcasses or articles are tainted, diseased, corrupted, decayed, unwholesome or, from any cause, unfit for food, the board of health shall seize the same and cause it or them to be destroyed forthwith or disposed of otherwise than for food. All money received by the board of health for property disposed of as aforesaid shall, after deducting the expenses of said seizure, be paid to the owner of such property. If the board of health seizes or condemns any such carcass or meat for the reason that it is infected with a contagious disease, it shall immediately give notice to the board of cattle commissioners of the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.—1872, 231, sec. 2; 1875, 29, sec. 2; 1876, 150, sec. 2; P. S. 58, sec. 2; 1892, 195, sec. 2; 1894, 491, secs. 10, 11, 13; 1899, 408, sec. 20.

SEC. 71. *Inspection of veal.* The board of health may inspect all veal found, offered or exposed for sale or kept with the intent to sell in its city or town and if, in its opinion, said veal is that of a calf less than four weeks old when killed, the board shall seize and destroy or dispose of it as provided in the preceding section, subject, however, to the provisions thereof relative to the disposal of money.—1866, 253, sec. 1; 1872, 231, sec. 3; 1875, 29, sec. 3; 1876, 180, sec. 3; P. S. 58, sec. 3; 208, sec. 2; 1894, 491, sec. 12; 1899, 408, sec. 20.

SEC. 72. *Hindering inspectors of meats or provisions; penalty.* Whoever prevents, obstructs or interferes with the board of health in the performance of its duties as provided herein, or hinders, obstructs or interferes with any inspection or examination by it, or whoever secretes or removes any carcass, meat, fish, vegetables, fruit or provisions of any kind, for the purpose of preventing the same from being inspected or examined under the provisions of sections seventy to seventy-six, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.—P. S. 58, sec. 2; 1894, 491, sec. 13.

SEC. 73. *Sale of tainted or diseased food; penalty.* Whoever knowingly sells, offers or exposes for sale or has in his possession with intent to sell for food any diseased animal or any product thereof, or any tainted, diseased, corrupted, decayed or unwholesome carcass, meat, fish, vegetables, produce, fruit or provisions of any kind shall

be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment; and whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making their condition fully known to the buyer shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.—1784, 50; R. S. 131, sec. 1; G. S. 166, sec. 1; 1872, 231, sec. 5; 1875, 29, sec. 5; 1876, 180, sec. 5; P. S. 58, sec. 5; 208, sec. 1; 1894, 491, sec. 15.

SEC. 74. *Sale of veal; penalty.* Whoever kills or causes to be killed or knowingly sells, offers or exposes for sale or has in his possession with intent to sell for food the veal of a calf killed when less than four weeks old shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.—1855, 239; G. S. 106, sec. 2; 1866, 253, sec. 1; 1872, 231, sec. 5; 1875, 29, sec. 5; 1876, 180, sec. 5.

SEC. 75. *Publication of condemned foods and convictions.* The board of health for the city or town in which any animal or property has been condemned under the provisions of sections seventy and seventy-one may cause a description of the place in which such condemned property was found, the name of every person in whose possession it was found and the name of every person convicted of an offence under the provisions of the two preceding sections to be published in two newspapers published in the county in which such property was found.—1872, 231, sec. 6; 1875, 29, sec. 6; 1876, 180, sec. 6; P. S. 58, sec. 6; 1894, 491, sec. 16.

SEC. 76. *Dressed poultry.* Whoever knowingly sells or exposes for sale poultry, unless it is alive, before it has been properly dressed by the removal of the crop and entrails if they contain food, shall be punished by a fine of not less than five nor more than fifty dollars for each offence. Boards of health shall cause the provisions of this section to be enforced in their respective cities and towns.—1883, 230; 1887, 94.

Revised Laws, 1902, vol. 1, ch. 56, p. 555.

SEC. 9. *Coloring of sausages; penalty.* Whoever, in the manufacture of sausages, uses any coloring matter injurious to health shall be punished by a fine of not more than one hundred dollars for each offence.

Laws of 1898, ch. 193; Revised Laws, 1902, vol. 2, ch. 213, p. 1804.

VINEGAR.

SEC. 66. *Adulterated or misbranded vinegar.* Whoever, himself or by his servant or agent or as the servant or agent of another person, sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange, or deliver or exposes or offers for sale or exchange adulterated vinegar, or whoever labels, brands or sells, as cider vinegar or as apple vinegar, any vinegar not the legitimate product of pure apple juice or not made exclusively from apple cider, shall be punished by a fine of not more than one hundred dollars.—1880, 113, sec. 1; P. S. 60, sec. 69; 1883, 257, sec. 1; 1884, 307, secs. 1, 4.

SEC. 67. *Vinegar standard.* Vinegar shall contain no artificial coloring matter, and shall have an acidity equal to the presence of not less than four and one-half per cent by weight of absolute acetic acid. Cider vinegar shall, in addition, contain not less than two per cent by weight of cider vinegar solids upon full evaporation over boiling water. If vinegar contains any artificial coloring matter, or less than the required amount of acidity, or if cider vinegar contains less than the required amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated.—1884, 307, sec. 2; 1885, 150.

SEC. 68. *Use of injurious ingredients; penalty.* Every person who manufactures for sale, or offers or exposes for sale, any vinegar found upon proper tests to contain any

preparation of lead, copper, sulphuric acid or other ingredient injurious to health shall for each such offence be punished by a fine of not less than one hundred dollars.—1880, 113, sec. 2; P. S. 60, sec. 70.

SEC. 69. *Enforcement of law by milk inspectors.* Inspectors of milk shall cause the provisions of the three preceding sections to be enforced.—1880, 113, sec. 2; P. S. 60, sec. 71.

Revised Laws, 1902, vol. 1, p. 567.

WATER AND ICE.

SEC. 112. *State board of health in charge of sources of water supply.* The state board of health shall have the general oversight and care of all inland waters and of all streams and ponds used by any city, town or public institution or by any water or ice company in this commonwealth as sources of water supply and of all springs, streams and water courses tributary thereto. It shall be provided with maps, plans and documents suitable for such purposes and shall keep records of all its transactions relative thereto.—1886, 274, sec. 1; 1888, 375, sec. 1; 1890, 441, sec. 1; 1897, 510, sec. 1.

SEC. 113. *Examinations, rules, and regulations.* Said board may cause examinations of such waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent the pollution and to secure the sanitary protection, of all such waters as are used as sources of water supply.—1886, 274, sec. 2; 1888, 375, sec. 2; 1890, 441, sec. 1; 1897, 510, sec. 1.

SEC. 114. *Publication of regulations.* The publication of an order, rule or regulation made by the board under the provisions of the preceding section or section one hundred and eighteen in a newspaper of a city or town in which such order, rule or regulation is to take effect or, if no newspaper is published in such city or town, the posting of a copy of such order, rule or regulation in a public place in such city or town shall be legal notice to all persons, and an affidavit of such publication or posting by the person causing such notice to be published or posted, filed and recorded with a copy of the notice, in the office of the clerk of such city or town shall be admitted as evidence of the time at which, and the place and manner in which the notice was given.—1899, 308.

SEC. 115. *Annual report of board; recommendations; notice of violations.* Said board shall annually, on or before the tenth day of January, make a report to the general court of its doings for the preceding year, recommend measures for the prevention of the pollution of such waters and for the removal of polluting substances in order to protect and develop the rights and property of the commonwealth therein and to protect the public health, and recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, streams and inland waters of the commonwealth. It shall also give notice to the attorney general of any violation of law relative to the pollution of water supplies and inland waters.—1886, 274, secs. 1-3; 1888, 375, secs. 1-3.

SEC. 116. *Employment of agents, assistants, etc.* Said board may appoint, employ and fix the compensation of such agents, clerks, servants, engineers and expert assistants as it considers necessary. Such agents and servants shall cause the provisions of law relative to the pollution of water supply and of the rules and regulations of said board to be enforced.—1886, 274, secs. 1-2; 1888, 375, secs. 1-2; 1897, 510, sec. 2.

SEC. 117. *Duties of board concerning drainage and sewage.* Said board shall consult with and advise the authorities of cities and towns and persons having, or about to have, systems of water supply, drainage or sewerage as to the most appropriate

source of water supply, and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other cities, towns or persons which may be affected thereby. It shall also consult with and advise persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water as to the best method of preventing such pollution, and it may conduct experiments to determine the best methods of the purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice or experiments. Cities, towns and persons shall submit to said board for its advice their proposed system of water supply or of the disposal of drainage or sewage, and all petitions to the general court for authority to introduce a system of water supply, drainage or sewerage shall be accompanied by a copy of the recommendation and advice of said board thereon. In this section the term "drainage" means rainfall, surface and subsoil water only and "sewage" means domestic and manufacturing filth and refuse.—1886, 274, secs. 2-3; 1888, 375, secs. 2-4.

SEC. 118. *Serving of orders to prevent pollution of water; condemning structures; damages.* Upon petition to said board by the mayor of a city or the selectmen of a town, the managing board or officer of any public institution, or by a board of water commissioners, or the president of a water or ice company, stating that manure, excrement, garbage, sewage or any other matter pollutes or tends to pollute the waters of any stream, pond, spring or water course used by such city, town, institution or company as a source of water supply, the board shall appoint a time and place within the county where the nuisance or pollution is alleged to exist for a hearing, and after notice thereof to parties interested and a hearing, if in its judgment the public health so requires shall, by an order served upon the party causing or permitting such pollution, prohibit the deposit, keeping or discharge of any such cause of pollution, and shall order him to desist therefrom and to remove any such cause of pollution; but the board shall not prohibit the cultivation and use of the soil in the ordinary methods of agriculture if no human excrement is used thereon. Said board shall not prohibit the use of any structure which was in existence on the eleventh day of June in the year eighteen hundred and ninety-seven upon a complaint made by the board of water commissioners of any city or town or by any water or ice company unless such board of water commissioners or company files with the state board a vote of its city council, selectmen or company, respectively, that such city, town or company will at its own expense make such changes in said structure or its location as said board shall deem expedient. Such vote shall be binding on such city, town or company. All damages caused by such changes shall be paid by such city, town or company; and if the parties cannot agree thereon, the damages shall, on petition of either party, filed within one year after such changes are made, be assessed by a jury in the superior court for the county where such structure is located.—1890, 441, secs. 2, 7; 1897, 510, secs. 3, 9.

SEC. 119. *Appeal.* Whoever is aggrieved by an order passed under the provisions of the preceding section may appeal therefrom in the manner provided in sections ninety-five and ninety-seven; but such notice as the court shall order shall also be given to the board of water commissioners and mayor of the city or chairman of the selectmen of the town or president or other officer of the water or ice company interested in such order. While the appeal is pending the order of the board shall be complied with, unless otherwise authorized by the board.—1890, 441, sec. 3; 1897, 510, sec. 4.

SEC. 120. *Jurisdiction in equity.* The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the state board of health or of any party interested, to enforce its orders, or the orders, rules and regulations of said board of health, and to restrain the use or occupation of the premises or such portion thereof as said board may specify, on which said material is deposited or

kept, or such other cause of pollution exists, until the orders, rules and regulations of said board have been complied with.—1890, 441, sec. 4; 1897, 510, sec. 5.

SEC. 121. *Inspection authority; compensation of agents, etc.* The agents and servants of said board may enter any building, structure or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exists, and whether the rules, regulations and orders aforesaid are obeyed. Their compensation for services rendered in connection with proceedings under the provisions of section one hundred and eighteen shall be fixed by the board and shall in the first instance be paid by the Commonwealth; but the whole amount so paid shall, at the end of each year, be justly and equitably apportioned by the tax commissioner between such cities, towns or companies as, during said year, have instituted said proceedings, and may be recovered in an action by the treasurer and receiver general, with interest from the date of the demand.—1897, 510, sec. 2.

SEC. 122. *Penalty.* Whoever violates any rule, regulation or order made under the provisions of section one hundred and thirteen or one hundred and eighteen shall be punished for each offence by a fine of not more than five hundred dollars, to the use of the commonwealth, or by imprisonment for not more than one year, or by both such fine and imprisonment.—1890, 441, sec. 5; 1897, 510, sec. 6.

SEC. 123. *Exemptions.* The provisions of the eleven preceding sections shall not apply to the Merrimac or Connecticut rivers, nor to so much of the Concord river as lies within the limits of the city of Lowell, nor to springs, streams, ponds or water-courses over which the metropolitan water board has control.—1890, 441, sec. 6; 1897, 510, sec. 7.

SEC. 124. *Water used for ice supplies protected from sewage, etc.* No sewage, drainage, refuse or polluting matter, of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, public institution or water company for domestic use, or render it injurious to health, and no human excrement, shall be discharged into any such stream or pond, or upon their banks if any filter basin so used is there situated, or into any feeders of such pond or stream within twenty miles above the point where such supply is taken.—1878, 183, secs. 1-2; P. S. 80, sec. 96; 1896, 252, sec. 1.

SEC. 125. *Exemptions.* The provisions of the preceding section shall not destroy or impair rights acquired by legislative grant prior to the first day of July in the year eighteen hundred and seventy-eight, or destroy or impair prescriptive rights of drainage or discharge, to the extent to which they lawfully existed on that date; nor shall it be applicable to the Merrimac or Connecticut rivers, or to so much of the Concord river as lies within the limit of the city of Lowell.—1878, 183, sec. 3; P. S. 80, sec. 97.

SEC. 126. *Jurisdiction in equity to enforce sec. 124.* The supreme judicial court of the superior court, upon application of the mayor of a city, the selectmen of a town, managing board or officers of a public institution, or a water or ice company interested, shall have jurisdiction in equity to enjoin the violation of the provisions of section one hundred and twenty-four.—1884, 154, sec. 1; 1896, 252, sec. 2.

SEC. 127. *Penalty for wilfully defiling water supply.* Whoever wilfully and maliciously defiles or corrupts any spring or other source of water, or reservoir, or destroys or injures any pipe, conductor of water or other property pertaining to an aqueduct, or aids or abets in any such trespass, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year.—1843, 65, sec. 2; G. S. 166, sec. 6; P. S. 208, sec. 7.

SEC. 128. *Arrest without warrant for wilfully polluting water.* Whoever willfully deposits excrement or foul or decaying matter in water which is used for the purpose of domestic water supply, or upon the shore thereof within five rods of the water, shall be punished by a fine of not more than fifty dollars, or by imprisonment for

not more than thirty days; and a police officer or constable of a city or town in which such water is wholly or partly situated, acting within the limits of his city or town, and any executive officer or agent of a water board, board of water commissioners, public institution or water company furnishing water or ice for domestic purposes, acting upon the premises of such board, institution or company and not more than five rods from the water, may without a warrant arrest any person found in the act of violating the provisions of this section, and detain him until a complaint can be made against him therefor. But the provisions of this section shall not interfere with the sewage of a city, town or public institution, or prevent the enriching of land for agricultural purposes by the owner or occupant thereof.—1879, 224; P. S. 208, sec. 8.

SEC. 129. *Penalty for bathing in water used for domestic supply.* Whoever bathes in a pond, stream or reservoir, the water of which is used for the purpose of domestic water supply for a city or town, shall be punished by a fine of not more than ten dollars.—1884, 172.

SEC. 130. *Fine for driving on ice of streams, etc., used for domestic water supply.* Whoever, not being engaged in cutting or harvesting ice, or in hauling logs, wood or lumber, drives any animal on the ice of a pond or stream which is used for the purpose of domestic water supply for a city or town shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.—1880, 185; P. S. 80, secs. 101–102.

Revised Laws 1902, vol. 1, ch. 75, pp. 677–681.

SEC. 59. *Action of State board of health upon complaint of impurity of ice; orders.* The state board of health, upon complaint in writing of not less than twenty-five consumers of ice cut from any pound or stream and sold or held for sale, alleging that said ice is impure and injurious to health, after notice to the parties interested of the time and place appointed for the hearing, and after hearing said parties, may make such orders relative to the sale of said ice as in its judgment the public health requires.

SEC. 60. *Serving and enforcing of orders.* Such orders shall be served upon any person who sells or offers for sale impure ice, and may be enforced in equity by the supreme judicial court or the superior court.

SEC. 61. *Appeal.* A person who is aggrieved by such orders may appeal therefrom in the manner prescribed by section ninety-five, and shall be subject to the provisions of sections ninety-six and ninety-seven, and the court may award costs in its discretion.

Laws of 1886, ch. 287, secs. 1–3; Revised Laws 1902, vol. 1, ch. 75, p. 667.

SEC. 18. *Municipal inspection of ice; penalties.* A city may establish ordinances to secure the inspection of ice sold within its limits and to prevent the sale of impure ice, and may affix penalties of not more than twenty dollars for each violation thereof.

Laws of 1895, ch. 338; Revised Laws 1902, vol. 1, ch. 26, p. 387.

SEC. 92. *Penalty for destroying or damaging ice.* Whoever wilfully, intentionally and without right or license, cuts, injures, mars or otherwise damages or destroys ice upon waters from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value thereof diminished for that purpose, shall be punished by a fine of not more than one hundred dollars.—1850, 114; G. S. 161, sec. 73; P. S. 203, sec. 86; 1901, 268, sec. 6.

Revised Laws 1902, vol. 2, ch. 208, p. 1763.

